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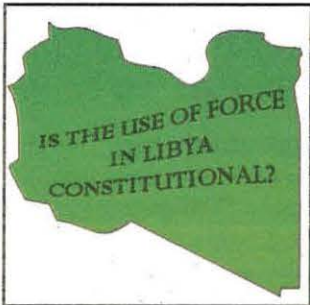


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MOTIONS

University of San Diego School of Law



Volume 47, Issue 7

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April 2011

Search Committee Announces Three More Dean Finalists

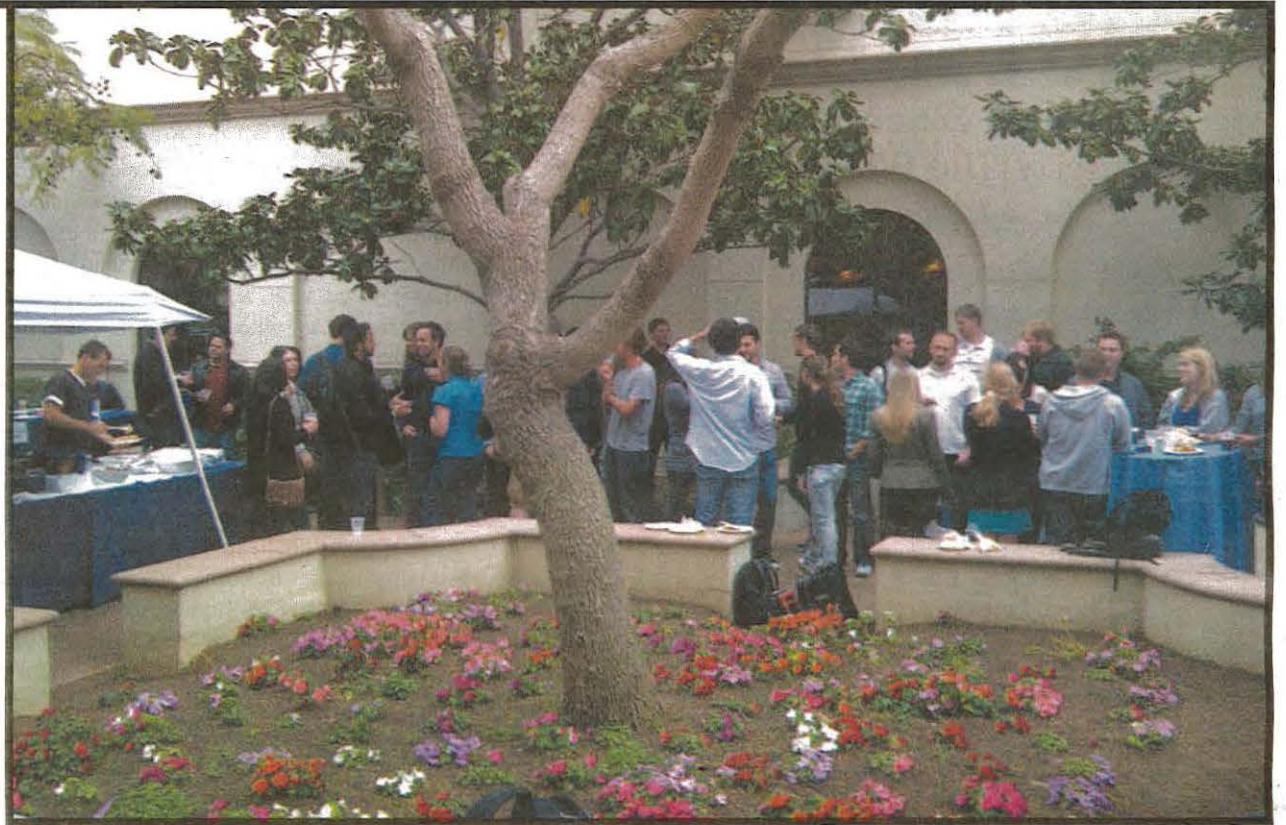
by Christina Phan, Senior Staff Writer

For the past year, USD Law has actively searched for a dynamic, well-rounded individual to replace beloved Dean Kevin Cole beginning summer 2011. In January, three finalists came to campus for a two-day marathon of meet-and-greets and informational sessions for faculty and students. At the end of the visits, the USD Faculty voted its recommendation for Dean and submitted it to the USD Provost. One of the finalists withdrew his name from consideration due to familial reasons.¹

After nearly three months of anticipation, on April 14, the law school e-mailed a status update on the Dean search. The school announced that the Dean Search Committee ("the Committee") had expanded the group of Dean Finalists to include three more individuals. The Committee noted in its announcement that it was "extraordinarily impressed with the overall quality of the candidate pool" and that it "felt strongly that there were some outstanding candidates remaining." The Committee communicated with USD Executive Vice President and Provost Julie Sullivan its recommendations to expand the pool and happily extended invitations to the candidates to visit the campus. The finalists accepted.

The expanded pool now includes an even more diverse group of individuals with distinguishing characteristics and experiences

See Dean Finalists, page 7



A Tree Grows at the Dean's Mixer

USD Law, Here I Come! Why I Chose to Be a Torero

by Marisa Mittelman, Class of 2014

My biggest apprehension in agreeing to take an assignment about my law school decision-making process was what I would think of the article three years from now. It is difficult for me to picture myself as a third year law student—or perhaps a bum on the boardwalk in Pacific Beach (that, however, is yet to be determined). Will I be intrinsically the same as I am now, or will my thoughts, ideas, and point of view have fundamentally changed? Will I still want to practice family law? Will I have a job waiting for me upon graduation?

It's impossible to know where the next three years of my life will take me. And, to tell you the truth, I'm no expert on law school comparisons. So when deciding where to go, I did my research. I found out which schools had programs for the practice areas I'm interested in. I checked in with good old *U.S. News & World Report*. I consulted with family, friends, and even random family law attorneys at law firms in the San Diego area. I gave into the urge and opened a forum account on both Above the Law and Top Law Schools. I would say, now, that I am a fairly well-educated person in the area of ABA-approved law schools. When push comes to shove, though, I think that as a college graduate and an all-around (I like to tell myself) intelligent person, it is my responsibility to keep in the forefront of my mind six very important words:

Money, Money, Money, Location, Location, Location

In all the research I've done, these seem to be the prevailing factors that we OLs are told to consider. Apparently, we need only ask ourselves two simple questions: 1) How much are we willing to pay? and 2) Where do we want to live?

These are some pretty heavy questions, if I do say so myself. So in the end, after all of the research, all of the time spent poring over books and newspaper articles about how to make this decision, it comes down to how much I want to pay and where I want to live. Well, I think I can answer the first question pretty simply: as little as possible. Luckily, USD has been accommodating in that respect—the school is generous with scholarship money and helpful with financial aid. The second question, I think, is a bit more complicated. You see...

See Here I Come, page 8

Contract Killers Take Softball Title

by Umar Hussain, Staff Writer

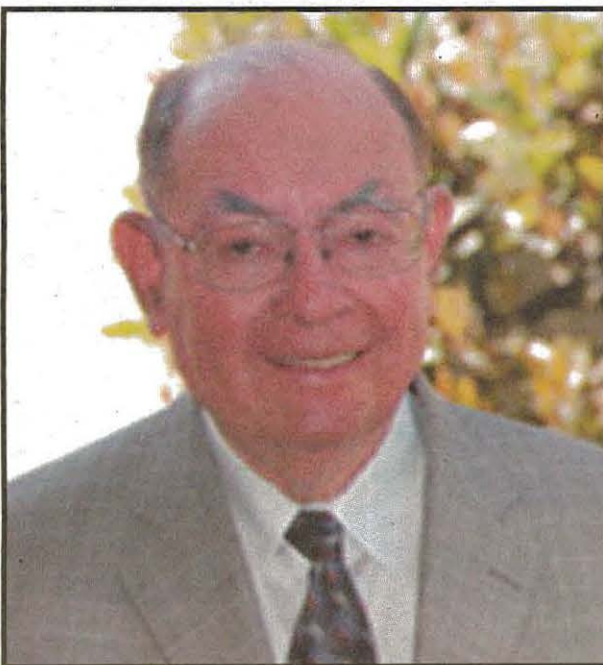
#3 Contract Killers 6
#2 Legal Eagles 5

Trailing by one run in the top of the sixth inning, the Contract Killers came up to the plate and got just what they needed to end the year as this year's Spring Grad/Law Softball Champions, beating the Legal Eagles 6-5 at Manchester Field.

"Winning feels great. We've played together for six seasons and have always been near the top. To finally bring home some ugly t-shirts... it's the dream," said David Israel.

It was apparent that both teams came to play. The game displayed not only timely hitting from both teams, but also top-class defense.

See Softball, page 17



"FATHER OF MIRANDA" YALE KAMISAR RETIRES

by Evan Acker, Senior Staff Writer

After 54 years in academia, the "Father of Miranda," Professor Yale Kamisar, is retiring from the lecture hall. Professor Kamisar joined the faculty at USD in 2000 before becoming a full-time, tenured professor in 2002. He got his start at the University of Minnesota in 1957 and joined the University of Michigan faculty in 1965.

"I'll miss a lot of things. I'll miss the faculty. I'll miss the students and their enthusiasm," Kamisar, 81, said from his office in Warren Hall. "The students have a certain resourcefulness and personality."

Professor Kamisar specializes in criminal law as well

See Kamisar, page 12

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5998 Alcala Park
San Diego, CA 92110
619-260-4600, ext. 4343
motions@sandiego.edu

WEBSITE

<http://www.motionsonline.org>

EDITOR IN CHIEF

Kurt Whitman

SENIOR EXECUTIVE EDITOR

Andrew Miazga

ASSOCIATE EDITORS

Jyoti Jennings
Jessica Payne

SENIOR STAFF WRITERS

Evan Acker
Christina Phan

STAFF WRITERS

Isaac Bejar
Chris Dibbern
Camille Edwards
Zach Friedberg
Tyler Hazen
Umar Hussain
Jamie Netznik
Laura Patrick
Darlene Rabena
Charles Ronan
Nikki Weil
Taylor Wemmer
Kenneth Yu

ADMINISTRATIVE REVIEW

Emily Scivoletto
Assistant Dean for J.D. Student Affairs
Irene Condella
Assistant Director for J.D. Student Affairs

MISSION STATEMENT

Our mission is to provide news, information, analysis, and commentary to the students, faculty, staff, and alumni of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. Because journalistic excellence is the soundest foundation for our success, we pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the *Motions* staff.

DISCLAIMER

The contents of *Motions* do not reflect the views or opinions of the University of San Diego School of Law; the University of San Diego School of Law News Organization; or the Editors, Directors, or Staff of this newspaper and are solely the products of the authors in their individual capacities. Unsigned editorials reflect only the view of the Editorial Board of this newspaper, a student organization consistent with University of San Diego School of Law policies.

A FINAL NOTE FROM THE EDITOR

by Kurt Whitman, Editor in Chief

THE MOTIONS EXPANSION

Thanks to everybody for helping *Motions* enjoy a highly successful 2010-2011 publication year. Our print version has undergone beneficial changes, and our new online presence has brought USD Law's student newspaper to a whole new level. Because of our implementation of *Motions Online*, along with our supplemental efforts at promoting the newspaper and university through social networking and the internet in general, we have greatly expanded the USD Law community in positive ways.

Motions Online has now attracted over 14,000 visitors since its September 29 debut. Of particular importance, our website has attracted prospective students. For our April issue, we are proud to bring you an article by Marisa Mittelman, a prospective student who has already made the choice to join the USD Law community beginning next fall. We hope that this type of *non-traditional article* reflects a trend in the law school newspaper—and that we witness a future increase in contributions from USD Law faculty, staff, and alumni as well.

THANK YOU

We would like to thank all those who contributed to our 47th year of publication. First, thanks to the USD Law Administration, Faculty, and Staff. The level of recognition and respect that USD Law has given to the student newspaper has been tremendous. As our law school has encountered challenges and frustrations during the past year, our law school has supported the student newspaper's efforts to address them in print. The Office for J.D. Student Affairs has been especially supportive, and we look forward to many more years of collaboration as we work together to enhance USD Law's academic success and reputation. From Student Affairs, to Career Services, to our exemplary professors, to all the people "under the radar" who keep the machine running, USD Law has the right people and programs in place to continue moving forward.

Second, thanks to the *Motions* staff. As Editor in Chief, I had the privilege of working closely with talented, dedicated, and flat-out cool people. Thanks to outgoing Senior Executive Editor Drew Miazga for his creativity and integrity—he certainly deserves credit for helping infuse the appropriate blend of humor and intellect that our newspaper now offers. 1L Associate Editors Jyoti Jennings and Jessica Payne were also crucial to our success this year, dedicating many hours to planning, designing, and marketing—along with fulfilling the rest of their editing duties. Senior Staff Writer Christina Phan was unbelievable in her dedication to this newspaper—working overtime (to put it mildly) on submitting high-quality articles of both news and commentary throughout the year. Similarly, Senior Staff Writer Evan Acker's writings—most notably his humorous writings—were necessary to really give *Motions* its overall voice. And finally, we had nothing short of an army of staff writers who helped us achieve success. Special thanks to Chris Dibbern, Camille Edwards, Zach Friedberg, Umar Hussain, Taylor Wemmer, and Kenneth Yu—all of whom submitted content for each of our issues.

Finally, thanks to our readers. Whether you have preferred to read *Motions* in print or online, we are honored to serve as a necessary voice here on campus, and we thank the countless number of you who, throughout the year, directly shared your praised and encouragement with us. It is nice to know that our work is worth the time and effort.

THE FUTURE

As for next year, *Motions* will be under exceptional leadership. Editor in Chief Evan Acker has a vision for continued success and the perfect blend of humor, creativity, intellect, and devotion to ensure that the vision will unfold. His skills are as sharp as his wit, and as a soon-to-be alumnus, I personally look forward to seeing what *Motions* has in store under his direction. Senior Executive Editor Jyoti Jennings is one of the most dedicated law students I have ever encountered. She has brought her work ethic, integrity, and optimism in full force this year to the newspaper and will undoubtedly do so again next year. Finally, Henry Ciocca, our new Web Editor, will keep *Motions Online* and our online presence moving forward. He is yet another strong leader who possesses personal qualities that guarantee success.

SO LONG

On a personal note (or even *more* personal anyway), my experience as Editor in Chief has been phenomenal. It certainly has been a lot of work—and trust me, the pay isn't the perk. In fact, if this were an actual "job," somebody would most likely be liable for violating some type of labor/employment law. But you know what? It was the excitement of it all that kept me going—the endless opportunities, the practical challenges, the creative *rush*. Our print version has experienced positive changes, and our website has been really fun to watch take off from behind the scenes. We have let it be known: The Law had a baby . . . and called it *Motions Online*. Now it's up to the *Motions* staff to make sure that baby doesn't grow up and light the house on fire. On the other hand, that would probably make a good story. Well, somebody else can handle that one. I'm out.



SUBMISSIONS

Motions welcomes all guest columns, articles, photographs, artistic submissions, and commentaries. The Editorial Board reserves the right to edit for content, length, style, and the requirements of appropriate taste.

We attempt to financially reward the *Motions* staff for its contributions to the newspaper's growth and success. However, we are confined to our budget. Therefore, payment is never a contributor's right; contributors submit articles with the understanding that they may not receive any compensation at all. You can request our current Payment Policy by emailing motions@sandiego.edu.

GET INVOLVED WITH MOTIONS!

USD Law students can be part of the *Motions* team in a variety of ways.

Contact motions@sandiego.edu to see what positions are currently available.

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March Website Report

SBA Communication Article Attracts 1,250 Visitors

by Kurt Whitman, Editor in Chief

The exclusively online publication of "Communication Breakdown: SBA Leaves Students Dazed and Confused," co-written by Senior Staff Writer Christina Phan and Editor in Chief Kurt Whitman, attracted 1,250 visitors last month, only 150 shy of becoming the all-time most-viewed article on *Motions Online*. The article also elicited a number of comments from USD Law students—most of whom felt that the article was a factually accurate, objective piece of reporting. Additionally, two SBA officers chimed in to address the student body's concerns over the 2011 SBA elections and the topic of last year's SBA communication weaknesses in general.

Two moot court-related articles also made the All-Time Top Ten List. An article about the 2011 Jessup Tournament written by the Jessup competitors themselves hit #3, while Staff Writer Taylor Wemmer's article about the 2011 McLennon Tournament made the list at #9.

A total of 3,648 people visited *Motions Online* in March 2011.

TOP MARCH ARTICLES

1. "Communication Breakdown: SBA Leaves Students Dazed and Confused"
by Christina Phan & Kurt Whitman
1250 views
2. "2011 Philip C. Jessup International Law Moot Court Competition"
by Jessup Team
330 views
3. "TenBroeck Wins McLennon Tournament"
by Taylor Wemmer
236 views
4. "Andrew Gil to Lead USD Law Student Body"
by USD Law News (statement by Andrew Gil)
191 views
5. "3L Year: The Final Stretch"
by Kurt Whitman
178 views
6. "Music Review: Radiohead, The King of Limbs"
by Charles Ronan
146 views
7. "I AM WOMAN! Hear Me Celebrate Women's History Month"
by Laura Patrick
142 views
8. "Distinguished Native American Law Professor Speaks at USD"
by Kurt Whitman
105 views
9. "Law Student Brains Victorious Again"
by USD Law Diversity Committee
102 views
10. "Moe Shuns, Esq. at Your Service! Vol. III"
by Moe Shuns
100 views

TOP TEN ALL-TIME MOST-VIEWED ARTICLES

1. "Legal-themed Valentine's Candy Hearts" (Feb. 2011)
by Motions Editors
1400 views
2. "Communication Breakdown: SBA Leaves Students Dazed and Confused" (Mar. 2011)
by Christina Phan & Kurt Whitman
1250 views
3. "Don't Feed the Hippies" (Sept. 2010)
by David Helphrey
863 views
4. "2011 Philip C. Jessup International Law Moot Court Competition" (Mar. 2011)
by 2011 Jessup Team
330 views
5. "Owning a Pet During Law School" (Sept. 2010)
by David Park
317 views
6. "Experienced Dean or Politically Connected Lobbyist: Your USD Law Dean Finalists" (Feb. 2011)
by Christina Phan
302 views
7. "Death and Law School in Sunny San Diego" (Dec. 2010)
by Kurt Whitman
268 views
8. "Killer Whale Maze" (Dec. 2010)
by Kurt Whitman
248 views
9. "TenBroeck Wins McLennon Tournament" (Mar. 2011)
by Taylor Wemmer
236 views
10. "Chip Soup: Valentine's Dinner for Law Students" (Feb. 2011)
by Kurt Whitman
228 views



Successful Motions Contributor



Loyal Viewer

A Message from New SBA President Andrew Gil

In my time as a member of the SBA, I have always considered myself to be a public servant. I have never been content to do only what the bylaws require of me; I always asked myself how I could better serve the needs of my classmates. As SBA President, I now have a responsibility to use my position for the benefit of all USD law students, and I have several goals in mind for the next year intended to accomplish that mission.

First, I want to improve communication between the SBA and the student body. This means an overhaul of the SBA website and the creation of a master calendar of events. I hope to have these up and running before the end of this academic year. I also intend to improve the weekly email

system to ensure that the class representatives are able to reach all of their constituents.

Second, I want the SBA officers to be more accessible to the student body. I, for one, have an open-door policy and encourage students to contact me if they have a question or concern (usdlawpres@gmail.com). I also plan to start holding regular office hours in the SBA office in Warren Hall to give students an opportunity to meet with their elected officials face-to-face. Addressing student concerns is of particular importance as we transition to a new Dean next year, as the SBA will be in a position to inform the new Dean as to what concerns are most important to the students.

Finally, I want to open involvement in SBA to more of the student body. There are a variety of standing committees in the SBA that are traditionally understaffed, as the elected officers find themselves spread thin. Rather than leaving positions unfilled or having officers overworked, I see this as an opportunity to get more students involved. Election committee, social committee, orientation committee, and others have positions available for students who are interested in getting involved with the SBA.

It is an honor and a privilege to serve as your SBA President. With the assistance of a fantastic executive board, I am confident that we can implement positive changes and

make the SBA truly serve the best interests of USD law students.



USD Law SBA President Andrew Gil

CONTINENT WATCH

International Human Rights Law Society

North America, United States, by Pia Kaur

Despite what has been described as a humanitarian crisis, the U.S. has started a second round of deportations to Haiti since last year's devastating earthquake. Immigration officials state that 19 Haitians, who had been convicted of crimes in the U.S., were sent back to the impoverished country. Immigration and Customs Enforcement officials said they plan to send 700 immigrants back to Haiti this year, ignoring the objections of human rights groups, which insist that the move is "equivalent to a death sentence." A coalition of organizations against the deportations assert that "[o]ur country must live up to its human rights commitments and immediately halt any and all deportations to Haiti."

Africa, Ivory Coast, by Samuel Ceballos

On April 11, former Ivory Coast President Laurent Gbagbo was captured by the forces of elected President Alassane Outtara, ending a bloody conflict that began after Gbagbo refused to step down from office following the presidential election in November 2010. Both Outtara and Gbagbo forces are accused of committing war crimes during the conflict, which involved the killing and raping of civilians. Outtara has pledged that both sides of the conflict will be investigated thoroughly for their involvement and prosecuted accordingly. Although the fighting has subsided, the conflict has yet to stop entirely, as many armed Gbagbo supporters have not been detained. Outtara and his supporters hope that the people of Ivory Coast can slowly return to a life of peace.

Asia, Indonesia, by Alexis Kokkinos

The Bangsamoro people have been fighting for autonomy and control over their ancestral lands in Mindanao since the Philippines got their independence in 1946. Since the inauguration of President Benigno Aquino in June 2010, the Philippine government has made clear its intention to re-establish peace talks with the Bangsamoro people and the Muslim Islamic Liberation Front (MILF). Currently, the Philippines government panel is in Mindanao conducting a consultation process with the locals in order to engage them in the peace process discourse. Government Peace Panel Chair Dean Leonen announced that the first draft of the proposed peace settlement would be presented to MILF by the end of the month.

Europe, by Laurel Holmes

The treatment of migrants from North African countries entering Europe has drawn sharp criticism and concern as to the state's compliance with the EU mandate to provide asylum protection, and not to detain or cause additional harm to the migrants. In Italy, for example, many of the migrants fleeing the violent unrest have predominantly been considered economic migrants, rather than migrants seeking asylum from political persecution or state violence, meaning that they are not eligible for asylum. Operating on a desire to limit the migration, both Italy and Greece have reportedly damaged migrants' boats, pushing them back to violence-torn countries.

Europe, France, by Laura Patrick

Controversy surrounding the French ban on face-covering veils, including the Burqa and Niqab worn by Muslim women, reached an all-time high when the law went into effect on April 11. The ban prompted protests to erupt throughout Paris and the arrest of dozens of people by the French government for holding "unauthorized demonstrations." French President Nicolas Sarkozy claims the ban frees Muslim women from imprisonment and is necessary in France's purely secular state. However, many Muslim women say that the Burqa ban is a violation of their human rights and an affront to their freedom of religion. Debate continues as to whether the ban violates Article 9 of the Human Rights Convention, and some critics are threatening to challenge the ban in the European Court of Human Rights.

Latin America, Honduras, by Michelle Powers

In Honduras, several demonstrations by teachers unions to protest proposed changes in the public education system have ended in violent clashes with the police. Human Rights Watch claims "that the national police have used excessive force against protesters, firing teargas canisters indiscriminately and beating people with batons." For instance, police officers repeatedly struck union leader Adalid Romero in the head with batons, and the officers beat human rights activist Mirian Miranda and locked her in the trunk of a police car for several hours. Police have also targeted journalists covering the protests by firing rubber bullets directly at the journalists and attempting to seize their cameras. International human rights groups are now urging the Honduran authorities to conduct a prompt and thorough investigation into these allegations of excessive use of force by the Honduran police, and to prosecute those found responsible.

Oceania, Indonesia, by Arine Harapeti

Military soldiers in Indonesia have been using violence to intimidate the Ahmadiyah, a sect of Islam that does not believe that Mohammed was the last prophet, to renounce their faith. Imparsial, an Indonesian human rights group, reported 56 cases in the West Java province where soldiers allegedly forced Ahmadiyah followers to convert to mainstream Islam. In February, a video captured mobs attacking Ahmadiyah followers, which left three dead. Since February, several regions imposed regulations restricting activities by Ahmadiyah. While the Indonesia Constitution guarantees freedom of religion, violence against minorities has escalated since 2008. Amnesty International has demanded authorities in Indonesia "to conduct prompt, independent and impartial investigations" into these reports to stop the violence and bring the perpetrators to justice.



A DIVIDED MIND & HEART

SPLIT VIEWS ON THE CONSTITUTIONALITY OF THE USE OF FORCE IN LIBYA

by Jyoti Jennings & Jessica Payne,
Associate Editors

The 2011 Libyan Revolution

In February 2011, major political protests began in Libya against Libyan ruler Muammar Gaddafi's repressive government. Gaddafi came to power in 1969 after overthrowing the Libyan monarch in a coup and has held that power for 42 years.¹ Gaddafi's regime is characterized by heavy censorship, with 10-20 percent of Libyans working in the surveillance sector. Execution is the punishment for forming a political party, and it is a crime to speak with foreigners on political matters.² In fact, foreign languages were removed from school curricula.³ Gaddafi has also been denounced for encouraging, and likely sponsoring, terrorist acts worldwide. In 2009, Gaddafi addressed the United Nations in New York, defending the Taliban and Somali pirates.⁴

The early 2011 protests in Libya soon escalated into an armed conflict, with rebels establishing a coalition named the Transitional National Council and based in Benghazi, a major Libyan city.⁵ These protests grew in size and momentum despite harsh repression from the Gaddafi regime and the subsequent slaughter of protestors. Gaddafi is said to have declared war on his own people, resulting in heavy death tolls and the resignation of many of his key government officials. His remaining supporters include some of his sons and loyal generals.⁶ He also has apparently hired many mercenaries, and is reportedly advertising for more.⁷

As the civil war intensified in early 2011, Gaddafi lost more and more control to the uprising coalition. U.S. Admiral James Stavridis, NATO's Supreme Allied Commander in Europe, told the U.S. Senate that intelligence reports had suggested "flickers" of an al-Qaida or Hezbollah presence within the rebel movement.⁸ However, the uprising force claims it wants to implement a government that will hold free and fair elections. Also, reportedly, the rebels are composed primarily of civilians, such as teachers, students, lawyers, and oil workers, and a contingent of professional soldiers that defected from the Libyan Army and joined the rebels.⁹

Operation Odyssey Dawn & Operation Unified Protector

Operation Odyssey Dawn was the U.S. code name for an international military coalition focused on Libya.¹⁰ On March 17, the United Nations declared a no-fly zone in Libya, one of a series of measures intended to protect the country's civilian population. On March 19, enforcement of the U.N.'s resolution began with 19 planes from the French Air Force leading a strike against Gaddafi forces. That same day, U.S. and British forces struck with missiles from naval ships and submarines as well as air strike bombings.¹¹

These operations continued under the command of the U.S. until March 25 when NATO announced that it would be taking over the command of the no-fly zone operations. Operation Odyssey Dawn now only refers to the U.S. involvement, and the international coalition under NATO's command is termed Operation Unified Protector.¹²

Arguments Against and For Obama's Actions Under the U.S. Constitution

CONBAMA

President Obama's commitment of the U.S. Armed Forces in Libya without Congressional consent is unconstitutional. Article I, section 8 of the U.S. Constitution gives Congress the right to declare war. Article II, section 2 assigns the President of the United States the responsibility of being the Commander in Chief of the Armed Forces, which means the President decides how war is carried out.¹³ From an originalist perspective, by splitting the war powers between the Legislative and Executive branches, the founders intended to split the decision of committing the armed forces into conflicts between the branches, whether or not war is declared.

As a presidential candidate in 2008, during the Russian

See Libya, page 5

IHRLS CONTACT INFORMATION

Email: ihrlsatusd@gmail.com

Blog: <http://usdhumanrights.blogspot.com>



Summer Law Study Barcelona Florence London Paris



Attn: Ms. Cindy King
5998 Alcala Park WH 310
San Diego CA 92110-2492
Email: cking@sandiego.edu
www.sandiego.edu/lawabroad

WAR POWERS RESOLUTION OF 1973 (15 U.S.C. 1541–48)
(This act imposed restrictions on the President’s use of force.)

§5 (b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress

(1) has declared war or has enacted a specific authorization for such use of United States Armed Forces,

(2) has extended by law such sixty-day period, or

(3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

From Libya, page 4

invasion of Georgia, President Obama expressed how important he felt it is to work with the U.N. and the international community as a whole to end the conflict, and as President, his entire foreign policy emphasizes diplomacy and cooperation with the U.N.¹⁴ President Obama further demonstrated his commitment to the U.N. Security Council by threatening to send and then actually sending armed forces to Libya.¹⁵ USD School of Law Professor Maimon Schwarzschild, a former journalist and authoritative constitutional debater,¹⁶ speculated that President Obama is against unilateral use of force in general,¹⁷ but he felt justified in sending the armed forces to Libya because of the international impetus and the U.N. involvement. Even before the U.N. passed a resolution authorizing force to protect Libyan civilians, the 22-nation Arab League stringently called for U.N. intervention.¹⁸ However, in *Reid v. Covert*, the Supreme Court interpreted Article VI, clause 2, about “treaties made under the Authority of the United States,” to mean that the Constitution supersedes even treaties properly made by the President ratified by the Senate. In other words, the Executive and Legislative branches cannot do by treaty with a foreign power what they could not do under the Constitution.¹⁹ Based on President Obama’s statements and actions, it appears that he is using the NATO and U.N. treaties to justify committing forces, which he could not independently do under the Constitution.

Thus the War Powers Resolution of 1973 (“WPR”) Is Constitutional

If, as asserted above, the Constitution is interpreted to require consent from Congress in order for the President to “use force,” the WPR is merely enforcing that requirement of consent and is arguably constitutional. Article I, section 8 states that Congress has the power to “make all laws which shall be necessary and proper for carrying into execution foregoing powers,” and, arguably, this is what the WPR is doing. In fact, most Presidents since 1973 have conferred with Congress before sending in troops, even though they did not actually have to ask permission because the use of force was within their constitutionally allocated powers. The only exceptions are when President Clinton sent troops to Kosovo under NATO in 1999 and now when President Obama sent troops to Libya to enforce NATO’s commitment to the U.N.’s resolution.

Another constitutional point that potentially supports the WPR is the idea that there needs to be a check on the President’s power because we do not want the President to be able to send in troops on a whim. The argument that Congress can use other powers, in particular Congress’s control of funding, to reign in the President in such a situation may not be viable because it would likely be political suicide for members of Congress. Congress could not really put an end to the President’s use of force by cutting off funds because this would effectually cut off funding from American soldiers in the field. Rightly so, Congress would be extremely reluctant to do this, and the President’s use of force would be allowed to continue.

The WPR requires that the President withdraw troops after 60 days unless Congress has declared war, granted an authorization or extension, or cannot meet the deadline because the U.S. is under an armed attack. The WPR does not allow the President to commit troops indefinitely unless there has been formal authorization by Congress, and so it is a more balanced decision because it does not depend on the choice of just one person (the President). Therefore, the restrictions and time limits imposed by the WPR are necessary to preserve a proper balance of the separation of powers envisioned by the Constitution overall.

PROBAMA

President Obama’s commitment of U.S. Armed Forces in Libya without Congressional consent is constitutional because, for one thing, as “FrancescoFemia” commented on a *Huffington Post* article, President Obama’s commitment of armed forces in accordance with the U.N. to Libya “is not unilateral. It is one of the most multilateral military actions in recent memory.”²⁰ Furthermore, the President cannot sign a treaty unless two-thirds of the Senate votes to ratify it, and thus Congress already gave its approval to commit troops

under NATO. NATO is a military alliance started in 1949 to protect the member countries from outside aggressors. NATO’s current members mostly consist of Western European countries, Canada, and the U.S. The U.N. was also formed after World War II in 1945, but its 192-country membership includes all but three sovereign countries in the world. While NATO is primarily a military alliance, the U.N. was designed to “contain conflicts and restore peace and stability around the globe” and has no peacekeeping forces of its own.²¹

In addition to the international impetus to protect Libyan citizens, the Commander in Chief fundamentally has sole discretion to send the Armed Forces into a conflict (Art. II, sec. 2), as stated by every President since Reagan. This balances the Executive branch against Congress’s powers of allocating funding, raising troops, and deciding whether to declare war (Art. I, sec. 8). Congressional funding is a check on the President’s war power because without funding support, the President cannot practically continue a war. Although politicians may fear being politically unpopular, they should have the backbone to stand up the President fiscally.²¹

Besides, the concern that there needs to be a check on the President’s power to commit troops, lest the President act on a whim, has not really been a problem because in recent history there have not great schisms between the President and Congress over committing troops. Although President Bush Jr. and Sr. had deeply bi-partisan Congresses, both Congresses approved the President in sending troops to Kuwait and Iraq by narrow margins. As Professor Schwarzschild noted, “If there was ever a situation when Congressional members of the opposing party would want to frustrate the President’s plans, that was it.” Professor Schwarzschild also observed that it is likely that Congress would have agreed to President Obama’s sending troops into Libya as well if Congress had been asked, but some Presidents may not ask because they do not want to give a forum to opposition. Because Congress would likely approve intervention to protect Libyan citizens anyway, it is possible that this is why President Obama did not request permission from Congress.

Additionally, President Obama acquiescing to NATO and the U.N. Security Council is not unconstitutional because 1) the President is authorized to commit troops as Commander in Chief, 2) Congress has already given consent to commit troops by ratifying the NATO and U.N. treaties, and 3) Congress does not need a check on the President’s power to commit troops because it has other war powers and in recent history has always supported the President’s commitment of troops.

Thus the WPR Is Unconstitutional

If the Constitution allows the President unilateral power to use force, the WPR is decidedly unconstitutional. Essentially, according to this interpretation, the WPR uses a legislative act to restrict the powers of the Executive branch (the President)—which is, of course, not okay because then Congress would be able to re-allocate the powers granted by the Constitution. If this were allowed, the entire system of “separation of powers” among the three branches of government would be undermined, Congress would basically reign supreme, and the Constitution would essentially be thrown out the window.

Furthermore, the WPR has flaws that make it unsuitable as a proper “check” on Presidential power anyway. The 60-day deadline imposed on the President essentially lets him do whatever he wants for 60 days, so it incentivizes the President to try to win the war within that time span. This can lead to serious errors in strategy and larger casualties. It could also incentivize enemies to “hold out” because, as Professor Schwarzschild points out, “after 60 days, the United States turns into a pumpkin,” and the President has to withdraw forces unless Congress gives authorization.

Though the WPR has not formally been struck down, Congress did not enforce the WPR when President Clinton committed troops in Kosovo or during President Obama’s current commitment, perhaps because of the controversy surrounding its constitutional and effectual flaws.

The Authors Think . . .

First, the flaws in the WPR make it unacceptable no matter whether the President’s use of force is constitutional or not. As for the constitutionality of the President’s power to commit troops in general, we certainly sympathize with Professor Schwarzschild’s “divided mind and heart.”²³ However, though there are arguments for both sides, we lean towards the viewpoint that Presidential power to commit troops is constitutional. We tend to agree that the power over the purse is Congress’s check on the President in this area. Besides, without the political support of a majority of Congress and the people, the President can be impeached and removed. There should ideally be an understanding between the President and Congress; however, to require Congressional authorization for every troop commitment would result in the Legislative branch having all the power in matters of war. Shrinking Executive power to such an extent is inconsistent with an essential theme of the Constitution: a balanced separation of powers among the three branches of government. Therefore, the President should have this power under the Constitution.

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³ *Libya in Fragments: A New Flag Flies in the East*, THE ECONOMIST (Feb. 24, 2011, 8:08 PM), http://www.economist.com/blogs/newsbook/2011/02/libya_fragments.

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¹¹ *Gunfire, Explosions Heard in Tripoli*, CNN NEWS (Mar. 19, 2011), http://articles.cnn.com/2011-03-19/world/libya.civil.war_1_misrata-missiles-fighter-jets?_s=PM:WORLD.

¹² *NATO No –Fly Zone Over Libya – Operation Unified Protector*, NORTH ATLANTIC TREATY ALLIANCE, 1 (Mar. 25, 2011), http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110325_110325-unified-protector-no-fly-zone.htm.

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¹⁴ *Lou Dobbs Tonight*, CNN NEWS (Aug. 8, 2008, 7:00 AM), <http://transcripts.cnn.com/TRANSCRIPTS/0808/08/ldt.01.html>.

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¹⁷ Doug Mataconis, *Candidate Obama vs. President Obama on the Use of Military Force*, OUTSIDE THE BELTWAY (Mar. 18, 2011), <http://www.outsidethebeltway.com/candidate-obama-vs-president-obama-a-message-on-the-use-of-military-force>.

¹⁸ Colin Freeman, Nick Meo, & Patrick Hennessy, *Libya: Arab League Calls for United Nations No-Fly Zone*, THE TELEGRAPH (Mar. 12, 2011), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8378392/Libya-Arab-League-calls-for-United-Nations-no-fly-zone.html>.

¹⁹ *Reid v. Covert*, 354 U.S. 1 (1957), available at http://www.law.cornell.edu/supct/html/historics/USSC_CR_0354_0001_ZO.html.

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²¹ Ali Abdussalam Treki, President, U.N. General Assem., President’s Message at UN Day Concert (Oct. 23, 2009), available at <http://www.un.org/en/events/unday/2009/gapresmessage.shtml>.

²² Gene Healy, *The Power of the Purse*, CATO @ LIBERTY (Jan 9, 2007, 11:38 AM), <http://www.cato-at-liberty.org/the-power-of-the-purse/>.

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IT TURNS OUT FIXING GAMES FOR MONEY IS ILLEGAL!

by Chris Dibbern, Staff Writer



On April 9, 2011, former University of San Diego point guard Brandon Johnson was arrested in Houston and was accused of fixing a college basketball game for money. Johnson was one of ten people indicted on April 11 on charges that included sports bribery, illegal sports bookmaking, and marijuana distribution. In the U.S., the accused are presumed innocent until proven guilty, yet allegations like these are especially damning to a USD athletics department with an impeccable record of NCAA compliance. The FBI is currently investigating USD's involvement in the bribery scheme.

Johnson, USD's all-time leading scorer, was a fixture in the Torero lineup for years. During his career, he amassed 1,790 points and 525 assists. He hit the game-winning shot in the lone NCAA Tournament victory for USD in 2008. Mr. Johnson stands accused of fixing a February 2010 game for monetary gain. Additionally, prosecutors allege he approached an individual about influencing a game in January 2011 in exchange for a bribe.

If these allegations against Johnson are true, the public would do well to look at the circumstances that contributed to his situation. At this point, it is unknown whether he had volunteered his services in hopes of making a quick buck or if he was in debt to some of the others in the scheme and this was his way out. If it were the former case, Johnson's actions will go down as the most ultimate betrayal to anyone associated with this school. If it were the latter, his actions will not be viewed so harshly, but it raises a multitude of questions concerning big-time college athletics. Some people advocate putting a pay system in place for college athletes, but such a plan would not be feasible in the Title IX environment. Even if college athletes drew wages in the hopes of cutting down on predatory practices by sports agents, it cannot be said that scandals like these will disappear entirely. Everyone wants to make a quick buck, by hook or by crook. Johnson may have been in a situation where he felt trapped, and it should certainly be taken into consideration before the court of public opinion vilifies him. According to an April 20 *San Diego Union Tribune* article, the indictment says Johnson "solicited an individual to affect the outcome of USD basketball games" in January 2011, after his college career had ended. If this allegation is true, it stands clear that Brandon Johnson was a victim in every way, shape, or form. The actions that the prosecutors are alleging indicate Johnson as being a perpetrator of the greatest harm to the integrity of sports here at our school.

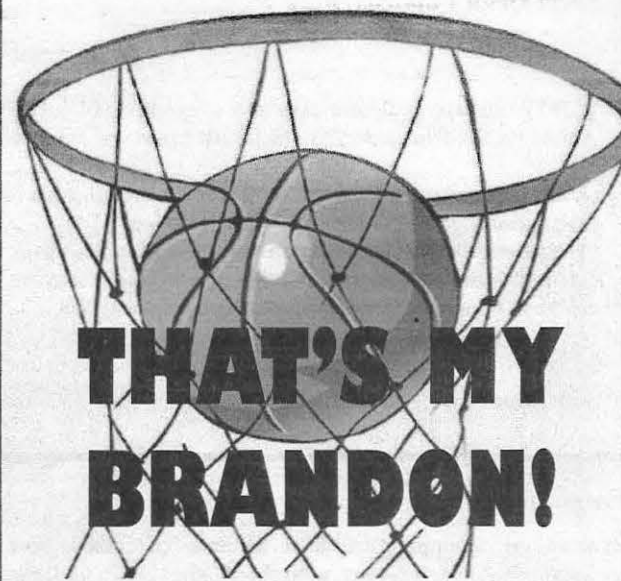
One of the most famous athletes in USD history, Johnson had the tremendous power to influence games. As a point guard who usually received the most playing time game to game, Johnson probably had the best opportunity to influence the outcome of games due to purposeful "mistakes." Odd things such as errant air balls or blatant traveling violations are two examples of red flags prosecutors will look for. The game of basketball, with as much back and forth action as it has, is one of the easiest to guarantee a point spread victory for the other side due to one's play. Because USD is not a big-time program, it may seem that excess wagering on non-conference games would set off an alarm to the Vegas sportsbooks.

In a written statement, USD President Mary Lyons said that "the incidents that have brought our University into the national spotlight are indeed serious, but they do not define us." The point shaving scandal also seems to be a hot topic on campus. While in the bookstore the other day, a friend and I joked about the story and Mary Lyons getting airtime on ESPN Sportscenter, which is shown at the USD Torero Store. Walking through campus, this story definitely seems to be on the minds of a great many USD students. When the story isn't on ESPN, it's in all the major national newspapers. The *San Diego Union-Tribune* even asked law students for their take on the story. "Obviously, it reflects poorly on the school," said Vijay A. Bal, a 2L classmate of mine. "But I don't think the actions of a few will reflect on the many. The university does so much good. It's a very ethical place."

Brad Holland was the USD basketball coach who recruited Brandon Johnson. He played in a fixed game while a senior at UCLA. Boston College came to campus to play a game in which the Bruins were favored by 15 to 18 points. The Bruins ended up winning by 22. Four of the BC players were later convicted for conspiracy to sports bribery. In a *San Diego Union-Tribune* article from April 17, Holland explained how careful one needs to be regarding sports betting. He told his team, "Do not talk to anyone at any time on or off campus when someone asks: 'Who's injured? How are you feeling about the team?'" Although there is no indication of the relation between Holland's experience and Johnson's current troubles, it does seem paradoxical that Coach Holland will bind them together forever.

On April 15, USD President Mary E. Lyons said that she and the school's trustees have "unwavering support" for men's basketball coach Bill Grier and athletic director Ky Snyder as the FBI investigates the bribery case. Lyons added, "No institution is ever immune from difficulties, and this is a lesson that we've learned this week, for sure." The scandal has rocked this small, Catholic university and it seems that this administration is circling the wagons and will overcome this rather large speed bump.

Although things may seem grim for the Toreros, there is a silver lining to all this. There is a valuable lesson imparted on the college athletes playing here right now. Not only that, the current team is made up entirely of Bill Grier's recruits, and they can only get better. In fact, Grier just signed Orange County's top player, Christopher Anderson, to a letter of intent. Provided the FBI investigation comes up empty regarding USD's involvement, Grier and his squad will be putting this scandal behind them. Let's all get out there and root for the Toreros this fall when they come back hungry to prove that they're playing for keeps.



by Chris Dibbern, Staff Writer

Note: I am extremely disappointed with USD's former student athlete. You can read my story on the point shaving scandal on this page (left). Here is a more light-hearted approach to the scandal as an alternative to the healing process. Just remember, we are all innocent until proven guilty.

So a little birdie tells me that USD is in trouble because the best basketball player in its history got caught point shaving. OK, I admit it: That little birdie was my bookie. Even still, I am supremely disappointed with Brandon Johnson and crew for getting caught for doing what amounts to "getting' money."

Sure, Mr. Johnson may have allegedly taken five steps holding the basketball to get a traveling call. Sure, he may have allegedly shot an air ball that didn't make it halfway to the basket. Sure, he may have allegedly had conversations after the game with tattooed-faced men. Sure, he may have allegedly requested that the team tailor sew pockets into his game shorts to hold his recently "found" money. Sure, he may have allegedly been suddenly able to help a struggling USD Law student with a part of his massive student loan debt. Sure, his family may have allegedly moved into a better house than Reggie Bush's family. Sure, people allegedly referred to him as "the mechanic" because of his skill at fixing things. Sure, he allegedly wanted to pay \$6 for a Six Dollar Burger at Carl's Jr. Sure, UC Riverside allegedly put up a statue of him in honor of the school's first victory in any sport ever. Sure, he allegedly was able to pay for everything on his date with a USD coed. Sure, Johnson may have allegedly scoffed at the idea of hiring a Cal Western graduate to defend him in his criminal trial because he said he "could afford USD or better."

Brandon Johnson is innocent until proven guilty. He is my Torero Homeboy, and if I were on the jury it would take a serious compromise to my integrity to convict such an upstanding young man. I would need to see videotape of him shaking hands with his bookmaker, wearing his USD uniform and green contact lenses with dollar signs on them, smiling at the camera while his grandmother is there holding up his birth certificate and saying, "That's my Brandon."

This man is a hero to Toreros everywhere. Mr. Johnson is responsible for filling more seats at Jenny Craig than women looking to lose weight at Jenny Craig. Brandon Johnson has more points for USD than Donte Stallworth has on his driving record. Brandon Johnson takes more shots in a USD game than a Charger at Stingaree. Brandon Johnson has stolen more basketballs than all the current undergrads have stolen laptops in the LRC. Mrs. Grier was reportedly jealous at Mr. Grier spending time trying to improve his relationship with Brandon Johnson.

Let us all remember, Brandon Johnson did not kill any dogs, nor did he come onto unattractive hotel workers in Lake Tahoe casinos. He did not go up into the stands to punch a fan, nor did he try to fix a basketball game.

Oh wait, he may have.

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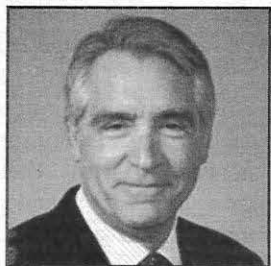
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From Dean Finalists, page 1

that would positively benefit USD Law. The three new finalists are Goodwin Proctor Partner Stephen Ferruolo, Professor Russell Osgood of Grinnell College, and Associate Dean Michael Waterstone of Loyola Law School.

FINALIST ONE: STEPHEN FERRUOLO

A former Rhodes Scholar, Mr. Ferruolo is the Founding Partner and Chair of the Goodwin Proctor, LLP San Diego Office. Prior to law school, Mr. Ferruolo was a professor at Stanford University for nearly eight years. After attending Stanford Law School, Mr. Ferruolo was a judicial law clerk and associate at O'Melveny and Myers in Los Angeles. Soon after, Mr. Ferruolo received a position with Heller Ehrman, LLP in its Palo Alto and San Diego offices. After a mere four years of work with Heller Ehrman, he became a partner—the earliest promotion in firm history. He co-chaired both the Life Sciences and Corporate departments. While at Heller Ehrman, Mr. Ferruolo also worked as an adjunct professor at Stanford Law School. In 2007, Mr. Ferruolo became a partner at Goodwin Proctor.

A current La Jolla resident, Mr. Ferruolo is the one candidate with near equal balance in teaching and professional experience. He feels that being the next law school dean would enable him to experience the best of both worlds and would be the perfect opportunity for himself and his family because it is in San Diego. Most importantly, Mr. Ferruolo feels that he can make a positive impact for the USD legal community. From his experience working as a partner at a large multinational law firm, he knows that USD Law graduates are among the best lawyers, even better than graduates of many Ivy League schools. He is also well-acquainted with several members of the faculty and knows them to be among the finest in the nation. He would like to build the reputation of the University of San Diego School of law and really help structure the school to focus not only on the strengths of USD's program but also the San Diego legal community. Mr. Ferruolo notes that San Diego is not known for big corporations. The wealth of San Diego is not from the area, and it's not stored here in the realm of banking. What San Diego has is human talent (e.g., Biotech). He says it is time to focus on servicing these markets and building up our in-house counsel opportunities and training.

When asked about how he plans to assist in the development process of recruiting top-notch, diverse students, Mr. Ferruolo notes: China. Mr. Ferruolo believes that to enhance the school's ability to secure post-graduation positions is to expand the student base into broader markets, which will enhance the school's name brand. If there are strong employees at law firms across the nation, this will enhance the likelihood that USD Law will be at least considered for positions. He also notes that the

largest growing legal market is China and that Chinese students come to the U.S. for law school and return to their home country for positions. He would like to expand our reputation into that legal market and encourage students to consider taking positions overseas. The first step in expanding our reputation is to encourage Chinese students to come to USD and return home and spread the name of USD Law.

Mr. Ferruolo is a practical, "hands-on guy" who understands that the best way to motivate the alumni base to support the school is to build relationships with current students. Students need to develop an affinity and relationship with the school, and we need to learn how to communicate with alumni in a way that resonates with them and build connections while students are still on campus.

An active outdoorsman who enjoys running, swimming and golfing, Mr. Ferruolo believes in balance and discipline. If selected as USD Law Dean, he would like to implement a culture that develops upon these ideals. Mr. Ferruolo humbly notes that he is a phenomenal cook who focuses on Italian dishes. And in the Women's Law Caucus auction, he would donate one of two things: 1) golfing, or 2) a home-cooked Italian meal with his family.

FINALIST TWO: RUSSELL OSGOOD

Note: At the time of publication, Professor Osgood had not yet visited campus. This synopsis is based on cursory research and a basic questionnaire sent to all three candidates.



A former member of the U.S. Navy, member of the elite Phi Beta Kappa, and former Articles Editor for the *Yale Law Review*, Professor Russell Osgood is a current professor of history and political science at Grinnell College in Iowa. For twelve years, he was also the president of the college and led a campus-planning process resulting in the construction

and planning of new facilities. He also undertook a process of major programmatic and curricular advances and launched several galleries and centers and a diversity hiring initiative.²

Prior to his work at Grinnell College, Professor Osgood worked in the Tax and Corporate Department of Hill & Barlow in Boston, specializing in employee benefits. Before that, he worked at Boston University School of Law as an Associate Professor and then for eight years at Cornell University School of Law. He was the Editor of the *Law and History Review* and later the Allen R. Tessler Dean for the law school. During his tenure at Cornell Law, he focused his scholarly work in areas of American Legal History, employee benefits and pension law, and income tax.³ He also helped to introduce a new writing program for the first-year curriculum and enhanced the school's international curriculum and increased the diversity of its students and faculty.⁴ Professor Osgood also worked to increase the "school's resources to keep pace with technological advancement" and enhanced the law school's "Legal information Institute."⁵ This Institute is known as

one of the top providers of legal information on the web.

Professor Osgood feels that being the Dean of USD Law would be "a great opportunity to meaningfully advance the law school in national reputation and in contributing to [the] legal system." He feels that the goal to expand the school's reputation will involve many decisions that may not be easy or popular but necessary. He would like to work with a community of students, faculty, alumni, and University that is committed to the advancement of the school and willing to make those hard decisions. Before Professor Osgood finds the best ways to move the law school forward, he would like to first find his way around the campus community and develop a stronger sense of the opportunities and challenges of the school and the interaction between students, faculty, and the legal community. As Dean, he has three key interests: 1) Increasing the academic reputation of the school, 2) working to reduce student loan indebtedness on graduation, and 3) building excellence at every step in the Law School.

When asked about the bar passage rate, Professor Osgood noted that during his work on law school accreditation, he has observed a number of schools with lower bar passage rates. He would like to work with the law school to continue in its development of a multi-faceted plan and program for success. He knows that California has a historically lower bar passage rate, but he believes USD Law's rates must be improved.

Professor Osgood met his wife in junior high school and notes that he enjoys swimming and running every day. However, the school would be unwise to put him on a softball team. He has three Cairn Terriers and four accomplished grown children and enjoys all kinds of broiled fish. He enjoys watching college swimming, basketball, and football.

FINALIST THREE: MICHAEL WATERSTONE

Note: At the time of publication, Mr. Waterstone had not yet visited campus. This synopsis is based on cursory research and a basic questionnaire sent to all three candidates.



Michael Waterstone is the current Associate Dean of Research and Academic Centers at Loyola Law School. He is a 1995 *summa cum laude* graduate of UCLA, a member of the prestigious Phi Beta Kappa, and a former Technical Editor of the *Journal of Legislation* and *magna cum laude* graduate of Harvard Law School. Prior to working at Loyola Law School, Dean Waterstone clerked for the Honorable Richard S. Arnold in the Eighth Circuit Court of Appeals. He later became an

associate at Munger, Tolles, & Olson in Los Angeles and then taught at the University of Mississippi School of Law.

Dean Waterstone is a "nationally recognized expert in disability and civil rights law." He has been published in several prestigious law reviews.⁶ He has been a consultant for several programs and has addressed Congress and worked on many policy initiatives. He has also lectured at conferences throughout the world.

As native Southern Californians, Dean Waterstone and his wife would love to remain close to home and raise their children near family. Also, Dean Waterstone notes that being the Dean of USD Law would be an "extraordinary opportunity to be a part of a school that has already had phenomenal success." He enjoys being a part of a program that is "larger than himself, and working to empower colleagues and students to succeed." When questioned about his vision for USD Law, Dean Waterstone notes that he would like to visit the campus and meet more individuals before articulating a vision. However, he has several priorities: developing the resources for USD Law to move forward; helping students get jobs and succeed in this more competitive environment we find ourselves in, and strategically growing USD's already stellar faculty.

Dean Waterstone is a life-long Angels fan who enjoys traveling. Dean Waterstone recollects one of his happiest memories as being with his father at Game 7 of the World Series when the Angels beat the Giants in 2002. As a traveler, after graduating from UCLA, he backpacked around Europe and after law school spent some time in Costa Rica studying Spanish and surfing. As Dean he would be excited to continue current USD traditions. In a Women's Law Caucus auction, he and his wife would donate dinners or tailgates at sporting events.

¹ See Christina Phan, *Experienced Dean or Politically Connected Lobbyist: Your USD Law Dean Finalists*, Motions Online, Feb. 9, 2011, <http://www.motionsonline.org/2011/02/09/lawdeanfinalists>.

² See Russell K. Osgood, Grinnell College, <http://www.grinnell.edu/academic/polisci/faculty/osgood> (last visited Apr. 26, 2011).

³ *Id.*

⁴ *Osgood Is Named New President of Grinnell College*, Cornell Chron., May 21, 1998, <http://www.news.cornell.edu/Chronicle/98/5.21.98/Osgood.html>.

⁵ *Id.*

⁶ Michael Waterstone, Loyola Law Sch., <http://www.lls.edu/academics/faculty/waterstone.html> (last visited Apr. 26, 2011).

THANKS, DEAN COLE!



From Here I Come, page 1

... I'm from New York. As much as I love New York, I have to be honest here. It's dirty. It's crowded. Every time I get on the subway to go to work in the morning, I am somehow squished like a sardine between a 300-pound man who hasn't showered since the Mets won their last World Series, and a mother with four children trying her best not to scream. Also, it's cold. We had more snow this past January than San Diego has total precipitation, on average, in an entire year. What sort of crazy person wants to live in a place like that? I know that San Diegans tend to defend their city against newcomers. They say we don't know what we're getting ourselves into. Well, I've never lived in California, but I assure you I won't be complaining about studying outside in the sun, on my patio, in mid-December.

"Well, Marisa," you say, "there has to be more to your decision-making process than just money and location!" Why yes, USD Law Student, of course there is. Academics are important. I want to know that my professors are passionate about what they teach. The administration should be welcoming and accommodating to its students. The job prospects should be great, and summer employment plentiful. These are all hugely important factors in a decision one would make about any sort of higher education.

When choosing between my final two schools (UC-Hastings and USD), however, I have to say that from every angle these things seemed nearly equal. I heard amazing things from students at both schools, saying they loved their professors, that the administration is always helpful and available, and that job prospects weren't looking great anywhere. Is this last part discouraging? Of course. The fact is, though, that students who are working hard are still getting jobs. Clearly, the market is not what it once was. That applies to any law school, though, and I think that if you're one hundred percent sure you want to be an attorney, you need to just sort of go for it. I plan to work my ass off and hope for the best—I don't think there's anything more that someone who is intent on practicing law can do.

USD is an amazing school. I can't say I'm *not* looking forward to the gorgeous campus or the beautiful weather, but I am also excited to begin the journey of higher education that will be the next three years for the Class of 2014. Call me an eternal optimist, but I can't wait to become a lawyer. And I can't wait to begin my time at the University of San Diego School of Law.

A New Way to Network

by Nikki Weil, Staff Writer

Networking events are so awkward. You are expected to make lasting relationships based on a thirty-second elevator speech and end up stuck in awkward conversations all evening. The good news is that there is a better way to network—by getting involved in the community and participating in activities that involve other professionals.

For example, the San Diego County Bar Association constantly posts volunteer opportunities. If you spend the day working with a group of attorneys building a house with Habitat for Humanity or counseling homeowners at a HOME Clinic, you naturally bond with your fellow volunteers and will likely want to keep in touch.

Keep in mind that your networking doesn't have to be limited to the legal community. I play tennis on Sundays with young professionals from a variety of sectors, including lawyers.

I even found my first legal job through my involvement in a nonprofit. The organization sent me to a conference in Washington D.C. While having drinks with the San Diego delegation, I told one of the board members what type of law I was interested in practicing. He immediately pulled out his BlackBerry and put me in touch with one of his lawyer friends. I met with the attorney for an informational interview and ended up with a great job.

In sum, hang out where other professionals hang out, and you will see a genuine network develop from which you can draw in the future.

DIVERSITY COMMITTEE BRINGS LAW & ORDER TO PEACE & JUSTICE

by USD Law Diversity Committee

The USD Law School Diversity Committee ("Div Com") hosted a diverse and dynamic gathering of over 100 students, alumni, faculty, staff, and members of the San Diego legal community for its Sixth Annual Diversity Banquet at the Joan B. Kroc Institute for Peace & Justice on Friday, April 15.

The banquet featured a panel presentation titled "Law and Order: Diversity Unit," which focused on issues of diversity in the courtroom. The panel consisted of Judge Esteban Hernandez, Deputy Public Defender Warren Den, and Deputy District Attorney Sherry Thompson and was moderated by Professor Junichi Semitsu, the Div Com faculty advisor. Professor Semitsu began by noting that the panel consisted of all the key players in a criminal trial except for the criminal defendant, at which point he removed his tuxedo jacket and pants to reveal a bright orange jumpsuit with the words "Jail Bird" on the back.

to get their "fair shake." Mr. Den, for example, suggested that a diverse set of attorneys at the Public Defender's Office provides the defendant with a sense of comfort to enable the free flow of information. Ms. Thompson highlighted diversity's benefit in gaining trust when working with victims and witnesses. Judge Hernandez added that having diverse persons in the courtroom provides a sense of fairness to all trial participants.

After the panel discussion, outgoing Chair Lisa Cheng introduced the new and stellar Div Com board for 2011-2012: Co-Chairs Christine Salib and Lindsey Pho, Admissions Co-Chairs Michelle Buxton and Michael Yu, Battle of the Brains Co-Chairs Sam Ceballos and Kimberlee Chao, Banquet Co-Chairs Annie Nguyen and Kim Nguyen, Treasurer Annie Nguyen, and Social Chair Dianne Anderson.

Michelle Buxton then honored the graduating 3Ls (Lisa Cheng, Esther Kim, and Kevin Qi) for their service to Div Com during their time at USD. Afterwards, Lisa Cheng presented Professor Semitsu with a gift on behalf of Div Com—a fog machine—which he stated he would use for future Div Com events or, perhaps, to start one of his classes.

Finally, the first ever Maria Shih Brilliance Award for Diversity Awareness and Stupendous Service was awarded to 2L Michelle Buxton for single-handedly spearheading the admissions workshop and banquet. Ms. Buxton was the first recipient of this award, which was created to honor USD alumna Maria Shih, one of the founding mothers of the Diversity Committee. Two of the many luminaries in the audience, Judge Vallera Johnson and Peter Quon from the California Attorney General's San Diego office, know Ms. Shih and clearly approved of the award.



Panelists (left to right) Public Defender Warren Den, Judge Esteban Hernandez and Deputy District Attorney Sherry Thompson with Jail Bird Moderator Junichi Semitsu

While a stripping inmate moderator might normally set the bar for captivating the audience's attention, the panel was unusually forthright, blunt, and opinionated, making for a lively and memorable discussion. The panel tackled questions that covered everything from racial stereotypes in jury selection to the question of whether prosecutors, defense lawyers, or non-lawyers are better positioned to work towards erasing the race- and class-based disparities plaguing the justice system.

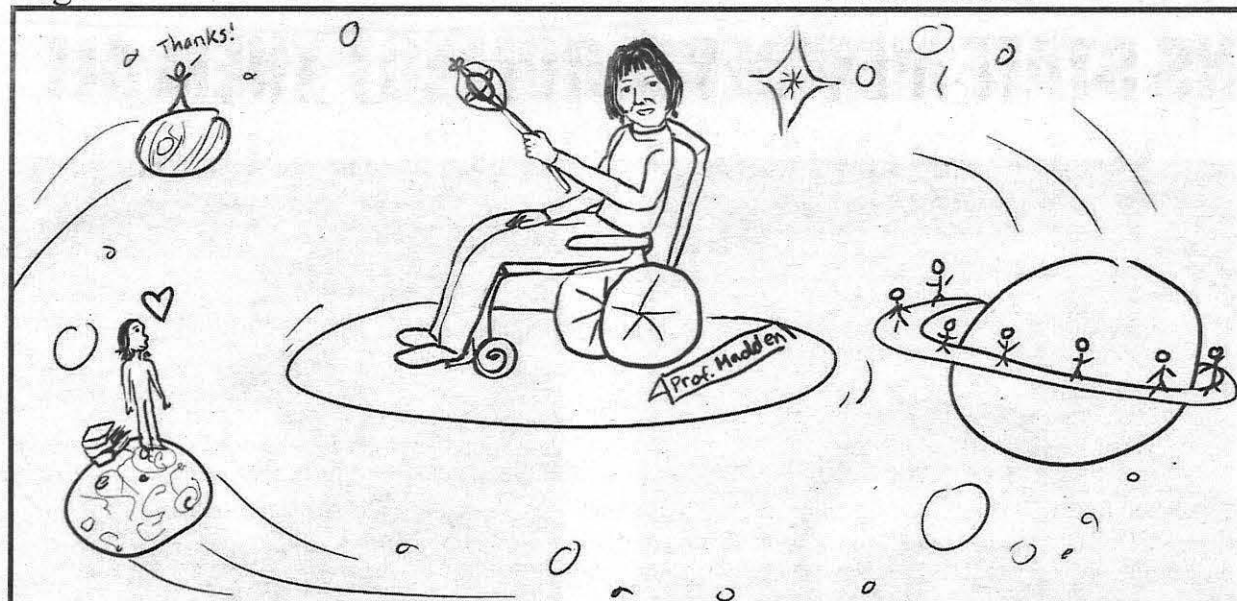
All three panelists emphasized the importance of diversity in the criminal justice system to ensure all parties appear

The evening concluded with Professor Semitsu leading a piano bar in the Degheri Alumni Center's living room. Public Defender Den, attorneys Hali Henderson and Kathryn Snyder, and 1L Owen Praskievicz were four of the many people who joined in on songs that varied from Katy Perry's "Firework" to Backstreet Boys' "I Want It That Way" to Sir Mix-A-Lot's "Baby Got Back" to Journey's "Don't Stop Believing."

Given the many connections made throughout the night, the incoming Div Com board is already preparing to create an even better banquet, mixer, and piano bar next year.



2011-2012 Div Com Board: (left to right) Michelle Buxton, Christine Salib, Junichi Semitsu (hiding in the back because of his orange jumpsuit), Sam Ceballos, Michael Yu, Lindsey Pho, Kim Nguyen, Annie Nguyen.



One sees clearly only with the heart.
anything essential is invisible to the eyes.
—The Little Prince

“Thank You, Janet,” by Jessica Payne, Associate Editor

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW JOURNAL WRITE-ON COMPETITION

by Michelle Irick, Senior Executive Editor, San Diego Law Review &
Tim Hance, Research Editor, San Diego Law Review

A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and time in which it is used. —Justice Oliver Wendell Holmes, Jr.

The nature of words, in all their mercurial power, can be deceiving. Simple words, mere ink on a page, can make a revolutionary impact on our world—they are powerful, democratic tools. It cannot be emphasized enough how pivotal legal journals are to the law’s changing landscape. For anyone who has felt immense passion for change in the law or who has stalwartly defended a point of view as the most sensible route, the *San Diego Law Review*, *San Diego International Law Journal*, or the *San Diego Journal of Climate and Energy Law* would be like home. It is true, journal membership is prestigious—mention of law review or other journal membership garners instant appeal in the eyes of any employer, and your resume will leap to the top of the stack. However, it truly is more than this; it is a place for individual members to speak, to have their point of view heard and respected, and to help make a real difference in the legal community.

Speaking on behalf of *SDLR*, new members play a crucial, invaluable role in *SDLR*’s goal of publishing a top-notch scholarly journal. Our journal publishes four issues in each volume, and 2L members will help to ready articles for publication. This involves making sure that an author’s assertions are sufficiently supported and that the text and *Bluebook* citations are fit to print. Through this active engagement in editing legal writing, 2L members will find their own writing abilities honed and their critical acumen sharpened. And we remind you this is no small thing; you will win or lose your cases because of these skills. Upon publication, every *SDLR* member’s name will be credited in the print issues, viewable by the entire legal community. It is indescribably satisfying to see and touch the tangible result of your efforts, which will be memorialized in the enduring history of our esteemed publication.

Another experience *SDLR* members engage in is writing a thirty-page student comment. The comment can be on a topic of your choosing, regarding a controversial or developing area of the law. This is truly an opportunity to have your voice heard. The *San Diego Law Review* appreciates scholarly, innovative work, and this appreciation extends to the intellectually rich, diverse viewpoints spanning our many members. By deeply engaging in scholarly research and writing, each member has the potential to show learned expertise on a chosen legal topic. Each 2L member will be paired with a faculty advisor and comments editor who both will offer personal guidance throughout the comment-writing process. The *San Diego Law Review* will select a few outstanding student comments for publication, an excellent opportunity for beneficial exposure in the legal community. Additionally, successful completion of a student comment satisfies the writing requirement for graduation.

As the annual Write-On competition nears, we strongly encourage each rising 2L to participate. The Write-On competition gives students the option of applying to all or one of the three San Diego law journals, and the application process consists of completing one closed memorandum and a *Bluebook* exercise. Students will have the week of May 13 to May 20 to complete their applications, and they will pick up their application packets at noon on May 13 in LRC 132. The packets they will pick up contain a fact pattern that poses a legal question, and it will contain all of the research they will need to complete a ten-page closed memo answering the question posed. After students answer all issues presented to them in their memos and correct the twenty footnotes in the *Bluebook* exercise, they will turn in their packets to LRC 132 between 6:30 p.m. and 8:00 p.m. on May 20. Students who are not in San Diego during the drop-off date also have the option of e-mailing usdwriteon2011@gmail.com to receive permission to turn in their packets electronically via TWEN.

Students should view the Write-On as an opportunity to put into practice all of the skills and lessons they learned in their Lawyering Skills classes throughout the year. Because students cannot use any outside sources nor consult with any other person during the competition, the Write-On challenges students to work independently on a complex legal problem and work their way to a conclusion. Completing the problem is an accomplishment in itself, but students who demonstrate excellent research and writing skills will be offered a membership invitation on one of the three journals. The feeling of pride and accomplishment one receives when offered a spot on a journal is a special and rewarding experience surpassed by few others in law school.

The doors of opportunity are open to every rising 2L; we beseech you to step through them. Participants of the Write-On are eligible for invitations to all three campus legal journals: the *San Diego Law Review*, *San Diego International Law Journal*, and *San Diego Journal of Climate and Energy Law*. It is entirely possible to receive invitations to each journal, and no participant must accept an offer until all offers are sent out. We wish everyone the best of luck and look forward to welcoming our new 2L members.

A 1L PERSPECTIVE ON FINAL EXAMS: ROUND TWO

by Taylor Wemmer, Staff Writer

In last year’s December issue of *Motions*, I wrote out a few exam study tips from the 1L perspective. Since I had never actually taken a law school exam before, I relied on Janet Madden’s excellent tips, advice from upper-level students, and our professors’ recommendations. Now that we are all battle-tested 1Ls ready for law school exams “Round Two,” I have a little bit more perspective on what worked well and what was a complete time-waster.

Helpful: Making outlines and then making outlines from those outlines. This was the first study tip I tried out and was happy to discover that there really is something to this outlining process, even if you have a closed-note exam. This method of organizing my notes and reviewing cases helped me understand the big picture and highlight the areas that the professor spent the most time on in class. Making the second outline from the first one, however, was the most beneficial. The first outline was my opportunity to organize all the information, rules, and theories from the class in one place, and the process of making the second outline was when I gained a much more solid understanding of all the concepts.

Not Helpful: Waiting until the end of my study process to use the handouts that the TAs posted on TWEN. These handouts had great questions and hypos that helped me test my knowledge, but because the TAs no longer had office hours (which end the last week of classes), I did not have the opportunity to visit them and discuss the questions on which I needed clarification.

Helpful: Using the supplements and flash cards for practice questions. I was definitely skeptical of supplements at first, but I found that they were great for practice problems, whether the exam was multiple choice or essay. Although the supplement’s answers did not discuss the issues the way our professors wanted us to, it was a great way to test my knowledge and tell me what concepts I needed to understand better.

Not Helpful: Studying in the library for the entire exam period. Where you study best is a completely personal choice, but the moment that exam time hits, the law library transforms into a pressure cooker of stress. I certainly appreciated the free coffee and hot chocolate that the LRC generously provides in the evenings, but exam time is such an anxiety-ridden process as it is that being around other stressed-out law students certainly did not give me that calm focus I needed to study effectively. This semester, I plan to mix up my study sessions between the library and home. A little extra motivation from watching your fellow students study can be good, but too much can be completely counter-productive.

Helpful: Making sure I got enough sleep every night. Although there were definitely evenings when I felt that I needed to do a few more practice problems, I knew that my brain was just not going to function at the level I needed it to without a good night’s sleep. Even though I completely failed at following this advice throughout the actual semester, I plan on scheduling in my eight hours a night starting now!

Not Helpful: Talking about the exam with your friends after it was finished. Most people I talked to who had the postmortem discussion agreed—it only stresses you out thinking about the issues you missed or the multiple choice answer you think you got wrong. Once one exam is over, take the evening to clear your brain so that you are ready to effectively focus on the next one.

Four exams this semester certainly seems like a daunting task, but at least we have a much better idea of what we have gotten ourselves into . . . right? Good luck, and congratulations to all the soon-to-be 2Ls for surviving their first year of law school!

WRITE-ON COMPETITION

What To Complete: Ten-page memo and corrected *Bluebook* exercise

Picking Up

May 13, 2011
Noon
LRC 132

Dropping Off

May 20, 2011
6:30 p.m. to 8:00 p.m.
LRC 132

For logistical inquiries, e-mail
usdwriteon2011@gmail.com.



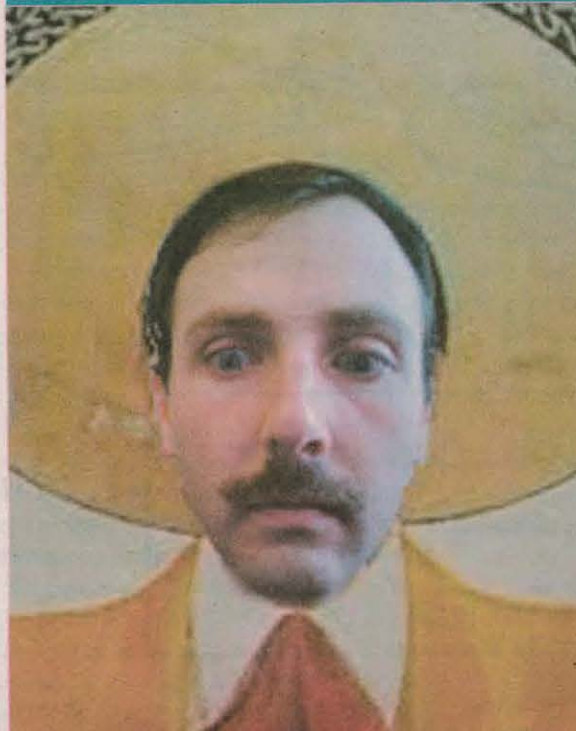
GRADUATING MOTIONS STAFF MEMBERS: COLLECT THEM ALL

Kurt Whitman



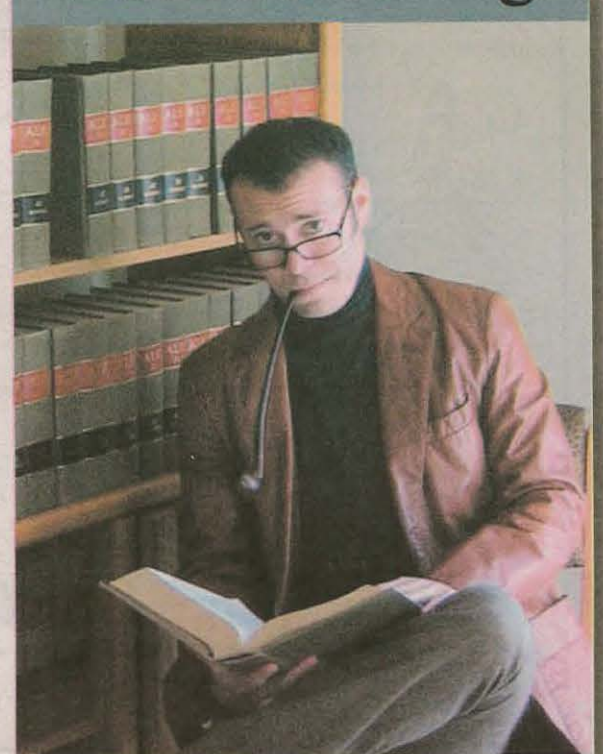
"Sometimes it's best to keep your client from talking."

Drew Miazga



"When in doubt—start highlighting."

Zach Friedberg



"Now that's good lawyering."

Joe Kaatz



"You fall asleep in Property, and this is the type of humor your law professor comes up with . . ."

David Park



"I busted a mirror and got seven years bad luck, but my lawyer thinks he can get me five."
--Steven Wright--

Kenneth Yu



Cal. Veh. Code § 21959: It is unlawful for any person to ski or toboggan on or across any roadway in such manner as to interfere with the movement of vehicles thereon.

David Helphrey



"Physician, heal thyself; Lawyer, sue Physician."

Tyler Hazen



"In order to find his equal, an Irishman is forced to talk to God."

Peachdog Jones



"May we all find our Walden Pond."

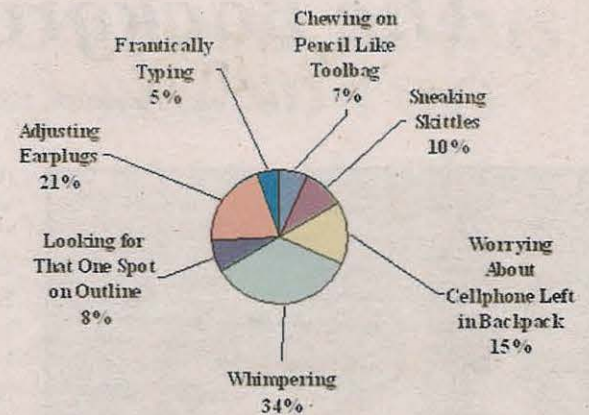


USD LAW BY THE NUMBERS

- 3: Number of times per law school career students check student mailbox
- 4/1: Odds of students getting called on when unprepared
- 13: Total number of Fall 2010 office hours attended by students
- 17: Record number of beers consumed at Dean's Mixer
- 26: Average number of applause breaks per hour in Professor Martin's Civ Pro class
- 136: Number of USD undergrads per day in the LRC
- 2: Number of USD Law students total for the year in Copley Library
- 4: Number of USD Law students who know both what and where Copley Library is
- \$75: Price of cheapest available copy of Professor Kelly's Contracts Roadmap on Amazon.com
- \$8,327,419.31: What yearly Westlaw research would cost per student if students had non-subsidized accounts
- 2,096: Average number of pieces of paper used per student in printing Lawyering Skills brief drafts
- 87%: Percentage of SBA candidates running on "law-student-only parking lot" platform
- 0: Number of parking spaces available within three mile radius of campus at 10 a.m.
- 50%: Percentage of SBA funding going to Domino's Pizza



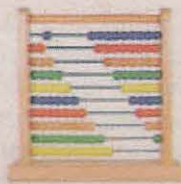
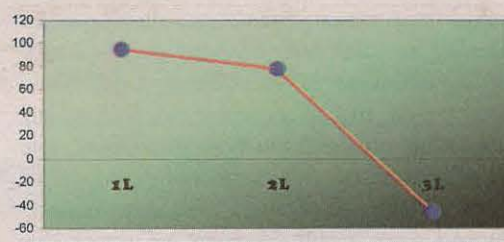
Time Spent During Final Exam



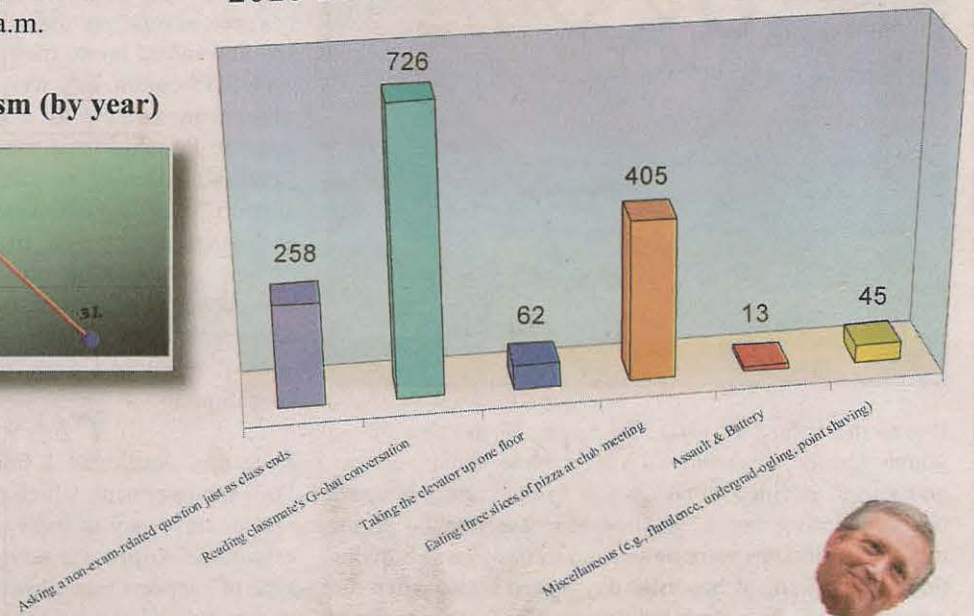
TEN REJECTED USD LAW COURSES

1. Trial Bloopers & Pranks in Capital Cases
2. The Third Amendment
3. Lawyering Skills III: Revenge of the Sith
4. Scrapbooking with Scalia
5. Coping with Lawyer Jokes
6. Paleozoic Era Jurisprudence
7. Zumba Clinic
8. Negotiating with Terrorists
9. Torts & Tea
10. Age of Consent Laws in Appalachia

Law Student Enthusiasm (by year)



2010-2011 HONOR CODE VIOLATIONS



LUCKILY THE GM COLLEGE DISCOUNT DOESN'T.



In fact, it's the best college discount from any car company,¹ and can save you hundreds — even thousands — on an eligible, new Chevrolet², Buick or GMC. If you're in college, a grad program or even a recent grad...take advantage today and save on a new ride that will let you make your own splash on the road!



2011 Chevrolet Malibu (discount example)	
Malibu LS MSRP starting at	\$22,735.00
MSRP of Malibu 1LT as shown ¹	\$23,585.00
Preferred Pricing ³	\$22,853.97
Consumer Cash ⁴	-\$3,500.00
Price You Pay	\$19,353.97
Your Discount	\$4,231.03



2011 GMC Sierra 1500 (discount example)	
Sierra 1500 Reg. Cab WT 2WD MSRP starting at	\$21,845.00
MSRP of Sierra 1500 Crew Cab XFE with optional equipment as shown ¹	\$35,585.00
Preferred Pricing ³	\$33,624.92
Consumer Cash ⁴	-\$2,500.00
Down Payment Assistance ⁵	-\$2,005.00
Price you pay when you finance through Ally or GM Financial	\$29,119.92
Your Discount	\$6,465.08

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Get your discount today at gmcollegediscout.com/save.



¹ Eligible participants for the GM College Discount include college students (from any two- or four-year school), recent graduates who have graduated no more than two years ago, and current nursing school and graduate students. ² Excludes Chevrolet Volt. ³ Tax, title, license, dealer fees and optional equipment extra. See dealer for details. ⁴ Not available with some other offers. Take retail delivery by 5/2/11. See dealer for details. ⁵ Not available with some other offers. Take retail delivery by 5/2/11. Must finance through Ally or GM Financial. The marks of General Motors, its divisions, slogans, emblems, vehicle model names, vehicle body designs and other marks appearing in this advertisement are the trademarks and/or service marks of General Motors, its subsidiaries, affiliates or licensors. ©2011 General Motors. Buckle up, America!

ADVOCATES FOR EMPOWERMENT

The Background Story

by Corey Pahanish, USD Doctoral Student



It was the spring of 1980 and I was 10 months old—a young family consisting of my mother, father, cousin, and myself decided to take a trip to the store. It was a beautiful spring day: Fleetwood Mac was playing on the radio, the windows were down, and the wind was blowing through our hair. A beautiful day turned tragic when our car was struck by a reckless driver. My mother suffered severe injuries to her head, my cousin was paralyzed, and my father died. I, on the other hand, did not have a scratch on me. In fact, when the paramedics found me under the passenger side seat, I wasn't even crying. That day has had a lasting impact on my life and the lives of the people I help today.

I was raised by a single mother in Temperance, Michigan, a small town just south of Detroit. We had become displaced after a fire ripped through our apartment complex forcing us to live in our car. To make matters worse, our car broke down, making it much more difficult for my mother to find work.

It should come as no surprise that concentrating in school became difficult, and I was held back in second grade. Parent-teacher conferences left me feeling like a horrible child. Desperate to fix me, my mother took me to the doctor even though she couldn't afford it. I remember the doctor looking at me and asking what was wrong. How does a second grader answer that?

After being diagnosed with ADHD and prescribed Ritalin, I spent my second year in second grade between "regular classes" and "special classes." I was constantly reminded of my reading comprehension learning disability and began to slip deeper into academic hopelessness. My classmates constantly taunted me after they found out I was placed in special education. Teachers also had a negative impact on my self-confidence by saying things like, "He's a problem child." One can imagine the impact that has on a child who is being conditioned into believing he is worthless.

Just before graduating high school, a teacher of mine asked me what my plans were. I explained to him that I would like to eventually graduate law school and prosecute sex crimes. He had the same traditional concerns for "being realistic" that many of his colleagues had. His response was, "Maybe you should be a busboy." I eventually graduated high school in 1999 with a 1.4 GPA ranked 361 out of 367 students, and just like that, the school system was done with me. My future was not very well-defined, and the chronic frustration of knowing that no support was there for me after graduation meant that a miserable future loomed over my head.

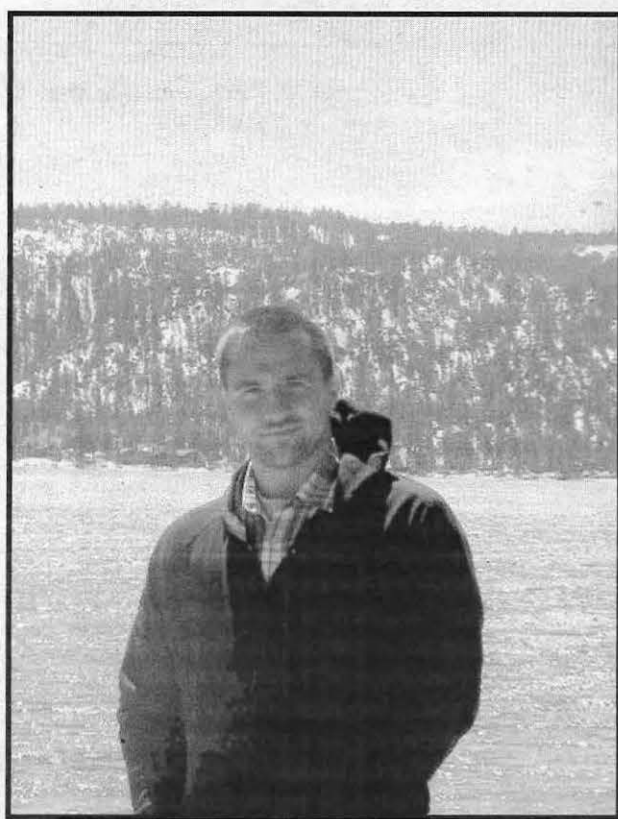
I am currently entering my second year in my doctoral program in Leadership Studies at the University of San Diego. I have worked extremely hard to reach this level of education, and although I am resilient, I cannot take all of the credit for my success. I have received a great deal of support from individuals who challenged their mental

models of who they think I am and replaced them with who I am capable of being.

Important to my success have been individuals who believed in me while providing resources and guidance on both an academic and personal level. Jennifer Johnston, USD alumni and Marriage and Family Therapist, has provided moral support by continuously reframing my self-perceived negative situation and turning it into a positive. Currently she provides counseling support to special needs families and has been an invaluable resource for finding resources in the community. She has also tutored me throughout my graduate level programs. Dr. John Mosby, Associate Director of Graduate Admissions, has seen beyond my "flaws" and into my heart. Dr. Mosby has introduced me to many of the individuals who make up USD's community who have worked in collaboration toward my success as a student and professional. Dr. Athena Perrakis, a personal friend and Professor of Leadership Studies at USD, has provided deep spiritual support. USD's Director of Residential Life, Nicki Schussler, encouraged me to continue to follow my dreams. These allies provided the type of support, role modeling, unconditional love, and compassion necessary to help me cope with the insecurities and other shadows I have developed as a result of years of oppressive conditioning.

I recently developed a small business called Advocates For Empowerment, which provides special education and service advocacy to individuals with special needs. My mission is to provide advocacy services that mirror the type of supports that allowed me to become academically successful. It is my belief that with these types of supports, marginalized individuals, groups, and communities can combat oppression and become empowered. In an attempt to empower women, we are teaming up with Athena Perrakis and other individuals to develop a seminar for women on empowerment and self advocacy. As a result of being raised by a single mother, who herself was oppressed, I have a strong passion and desire to help women discover their strengths in overcoming adversity. Although I knew I always wanted to help others, Advocates for Empowerment was developed only after I felt my life had purpose. I am here to empower others to reach their full potential.

About Corey Pahanish



Corey Pahanish is a current doctoral student at the University of San Diego studying Leadership Studies and the founder of Advocates for Empowerment. He holds a Bachelor of Arts degree in Criminal Justice, a paralegal certificate, and a Master of Arts Degree in Leadership Studies. He has also successfully completed the Special Education Advocacy Certificate Program at the University of San Diego's Department of Continuing Education and has eight years experience in the field of social services.

From Kamisar, page 1

as constitutional law. He has co-authored two casebooks: *Modern Criminal Procedure: Cases, Comments, Questions* (in its 12th edition) and *Constitutional Rights and Liberties: Cases, Comments, Questions* (in its 9th edition). He has also been quoted numerous times by the U.S. Supreme Court in landmark cases such as *Miranda v. Arizona* (384 U.S. 436) in 1966 and *Illinois v. Perkins* (496 U.S. 292) in 1990. Kamisar credits his persistence and work ethic in establishing a successful career.

"I can spend a whole night on one paragraph. Five hours on one [darn] paragraph," he said. Of his article that was quoted in the *Perkins* case, he vividly remembered his frustration. "I think I almost spent a whole weekend on one paragraph of an article, and it turned out to be quoted by the Supreme Court."

Professor Kamisar now plans to focus on finishing the 13th edition of *Modern Criminal Procedure*. The book's first edition came out in 1965 and sold approximately 300 copies. Kamisar credits the *Miranda* decision for the book's later success. "*Miranda* came down in 1966, and we put out a new edition and sold about 10,000 copies."

Kamisar also will guest-lecture at the University of Washington, but USD will always be on his mind. "I've enjoyed my eleven years here," he said. "It's a nice place and everybody was nice to me."

Graduating from Columbia Law School in 1954, Kamisar began his legal career with Covington & Burling, LLP in Washington, D.C. and quickly realized he wanted to spend more time on legal topics he was interested in. "I never felt like I had enough time to get to the bottom of what I was working on," he said. "I'm one of those guys that likes to be exhaustive."

Speaking from his office in the law school, it is clear he can hone in on any subject for long periods of time. His desk is covered with so many legal pads and case books that there is no practical way he can move everything so as to update his calendar so that it accurately reads the correct month. (It currently reads February.)

After spending more years teaching than most USD law students have spent living, Professor Kamisar knows what can make a successful professor. "You have to model yourself after somebody, whether you realize it or not," he said. "How else can you teach?" And after half a century of teaching, Kamisar believes he knows what works best for him: "You have to be an actor. That's part of it. You have to be in control even if you pretend not to be. Some people might say 'it's not my job to be entertaining' and so forth, but I would say it is your job, to some extent."

"I'm not going to be somebody else. I'm going to be myself. This is the way I am. I'm just going to be a guy from New York."

Professor Kamisar once pulled a student aside before class and told her to pretend to pass out once class began. (He was planning on making a point that while an individual in general will often assist others if he or she is the only one around, that same person often will assume somebody else will help if he or she is in a larger group.) Sure enough, once class began, she pretended to collapse and no one did a thing. Finally, after five minutes of lecture, he asked a student sitting next to the "victim" why he didn't help. Flustered, the man said, "I thought she was taking a nap."

Kamisar graduated from New York University and served in the Army Reserve Officers' Training Corps (ROTC). Consequently, he fought in the Korean War from 1951-1953 as a commander of an assault platoon on the well-known T-Bone Hill, an area that changed hands numerous times between the Chinese Communist Forces and the United Nations forces. Despite the war, Kamisar managed to put an optimistic spin on the entire experience. "I came back [from Korea] mentally rested," he said. "I enjoyed going to class because I [spent] two years in the army."

Since becoming a professor, Kamisar has noticed a troubling decline in student volunteerism. If he had his preference, students would play a much larger role in lectures. "It's the student culture that you don't volunteer, so you get almost no volunteers," he opined. "Now when I was in law school, I volunteered all the time. All three years." He then paused. "That's why people hated me."

After 54 years of teaching, Professor Kamisar still doesn't pretend to be something he is not. While he credits his relentless work ethic for getting him where he is, he seemed to enjoy the journey more than the destination: "If I planned it, it couldn't have been better. But I didn't plan it," he said of his career. "It was just one of those things."

1L COMPETITORS IMPRESS JUDGES AT AAJ SPRING MOCK TRIAL TOURNAMENT

by Taylor Wemmer, Staff Writer

This year's USD American Associate for Justice ("AAJ") Spring Mock Trial Tournament was not only popular, it was also extremely competitive. The twenty-four team spots available filled up well before the final sign-up date as eager students were ready to battle it out in the courtroom.

The tournament, which was open to all law students, is one of the two intramural mock trial tournaments that AAJ hosts each year. The fall semester's tournament was a civil trial, while this semester's tournament was a criminal trial involving the kidnapping and felony murder of a teenage girl.

Teams of students were assigned to the prosecution or the defense and were given two weeks to read through the closed case file, practice their opening and closing statements, and prepare their witnesses.

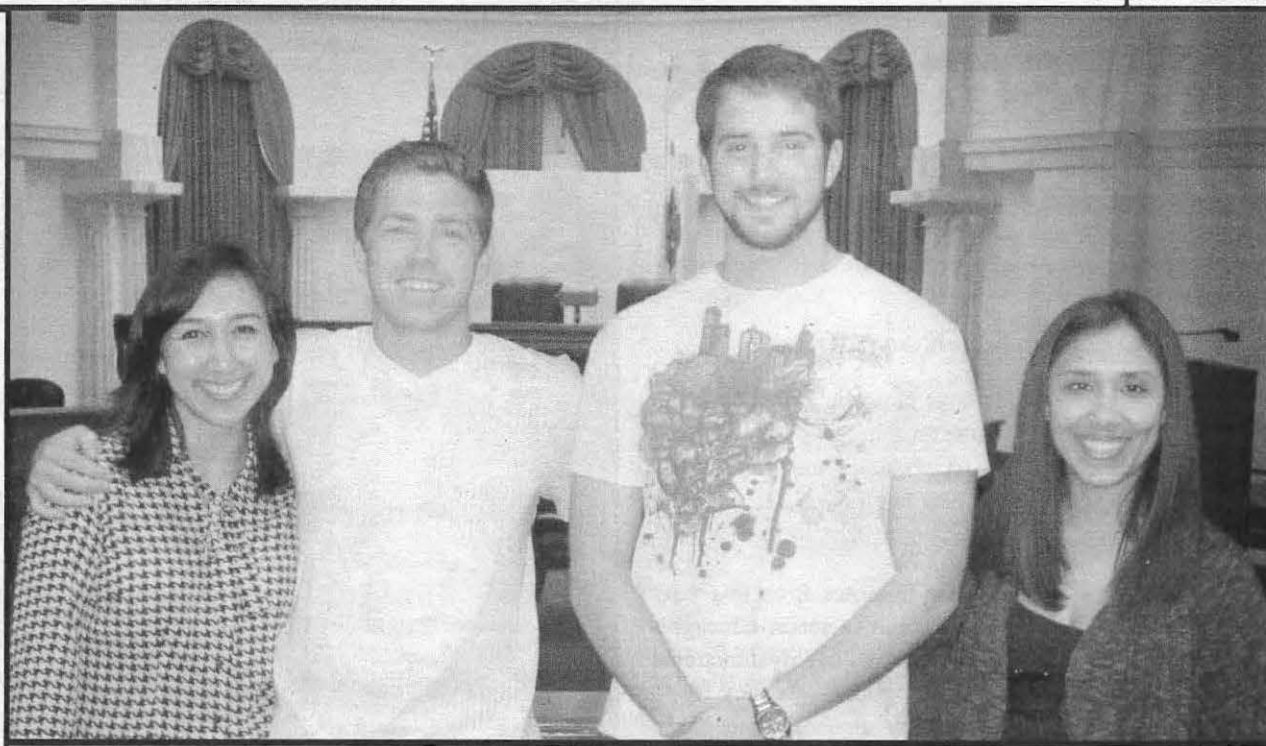
Commenting on the success of the tournament, Christina Wong, this year's AAJ president, said, "This year we had an unprecedented amount of students interested in participating. My board and I found it extremely encouraging that so many students of all levels were interested in competing and testing out their trial skills."

Family and friends came out to the San Diego Superior Court on Saturday, March 26 to watch this "whodunit" trial unfold. Twenty-two San Diego attorneys graciously volunteered their time to act as judges, and the students, many of whom were 1Ls with just one week's training in evidence, were ready to impeach witnesses and deliver case-winning closing statements.

"It was really cool for 1Ls to get to compete in an actual mock trial competition and be in a courtroom," said Lisa Charukul, a 1L competing for the first time.

Charukul's team member, Patrick Raue, agreed. "It was an enlightening experience; I learned so much."

Charukul and Raue, attorneys for the prosecution, were one of the two teams to make it to the final held on Sunday, March 27 in USD's Grace Courtroom. They were competing against fellow Section C classmates Abigail



AAJ Spring Mock Trial Tournament Finalists: (left to right) DEFENSE (champions), Abigail Dillon & Michael John Espana Reilly; PROSECUTION, Patrick Raue & Lisa Charukul

Dillon and Michael John Espana Reilly.

These two teams had faced each other before; however, they competed against each other in the last round during the match-ups on Saturday. Both teams agreed that having already seen each other's arguments made the championship round much more difficult.

"We were definitely not looking forward to going up against them again," said Reilly. "The first round was like a heavyweight fight. We knew [the championship round] would be pretty intense."

The final was extremely close. Both teams fought to keep their evidence in or to get other evidence thrown out, and each conducted exciting cross-examinations of each other's witnesses.

"The passion was really fun," said Raue. "Emotions for this murder case ran high; everyone got really into it."

After Charukul and Reilly delivered their impassioned closing statements for their respective sides, the judge, attorney Charles T. Marshall, called for a brief recess so that he could tally up the points.

A long twenty minutes passed before teams and audience members were invited back into the courtroom to hear the results.

"I was very impressed by all four of you today," said Judge Marshall. "You really did a great job."

He then announced Abigail Dillon and Michael Reilly the

winners of this spring's AAJ mock trial tournament, but confessed it was extremely close.

"The scores were off by only one point," said Judge Marshall.

Charukul, Dillon, Raue, and Reilly were all recruited to join USD's National Trial Team, along with four other 1L students and four 2L students.

Wong, also a member of USD's National Trial Team, was impressed by the four students who competed in the final.

"They did an outstanding job. Each of them demonstrated real raw talent in the courtroom, and it was an absolute pleasure to watch these two very skilled teams compete in the final round," said Wong.

Reilly, who also won the award for best overall advocate, said that he really enjoyed the experience: "It was a lot of fun. It was great to see our hard work pay off."

Wong recommends that everyone who wants to try out trial work compete in these tournaments next year: "I strongly encourage all students to compete in future AAJ competitions because it's an opportunity for students to see what it's like to get inside a courtroom, conduct a trial, and advocate for a client. Trial work isn't for everyone, but for some people, once they step foot in a courtroom, they discover that they have a real passion for trial advocacy."

Congratulations to those who made it onto USD's National Trial Team and to those who participated in this year's AAJ mock trial tournaments!

VICAM: GETTIN' SQUIDDY WITH IT

by Christina Phan, Senior Staff Writer

Size Matters. Squid between 100–150 grams is the optimal size for long-line fishing. If you're a business entity contracting for 20,000 tons of squid, be sure to include the size specification in your contract, or you might just receive un-sized squid falling below the optimal range. When this happens, your customers will not be happy, and you may be forced to begin arbitration proceedings.

For the past eight months, the USD VICAM team has researched and written four 35-page briefs and practiced between 4 and 12 hours a week to prepare for the "Olympics of International Trade." The Willem C. Vis International Commercial Arbitration Moot Court Competition "Vis Moot" and sister competition "Vis East" are considered to be among the most prestigious moot court competitions in the world. This year, the younger Hong Kong competition hosted 87 international teams and more than 350 competitors over a seven-day period. In Vienna, there were 262 teams and more than 1,000 competitors. There is no competition in the world that compares to these two week-long tournaments.

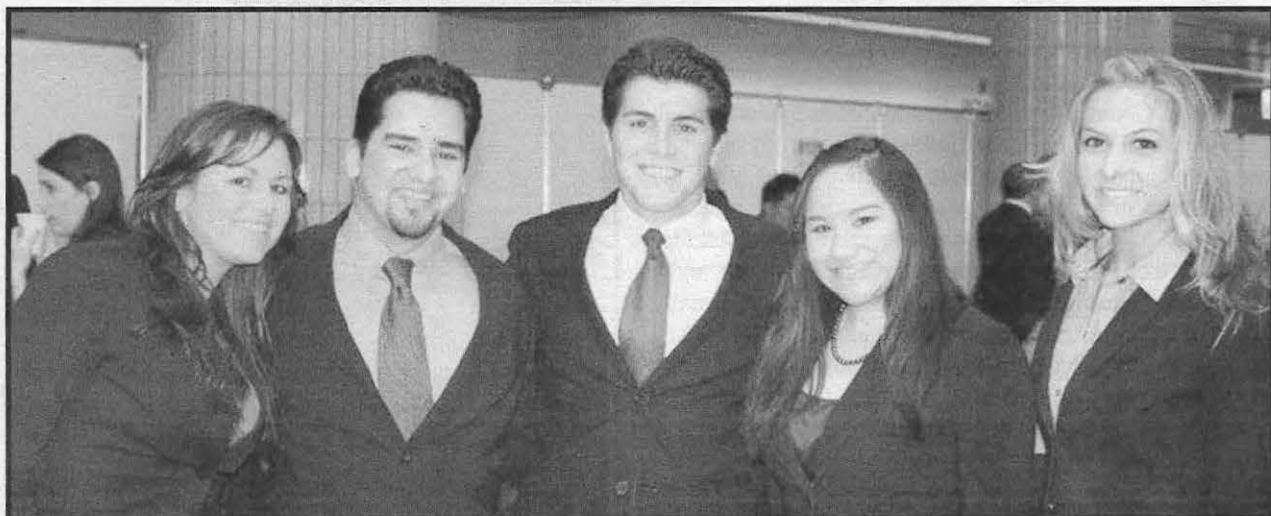
In the month of April, ten students traveled to either Hong Kong or Vienna to compete against teams from Germany, China, South Korea, India, Russia, and Romania. In Hong Kong, the team competed against two past tournament

champions and schools known to be within the Ivy League of Vis East. Each round, the teams intertwined scholarly and case authority and business reasonableness arguments to articulate why their client should prevail in the arbitration proceedings. In one of the rounds, advocate Kaitlin Reilly, who received a tournament honorable mention for her oral advocacy skills stated, "Claimant took a gamble by contracting for un-sized squid, and may not have received what it wished for, but did receive EXACTLY what it contracted for." The simple statement went to the heart of the arguments in a clear and concise manner. The arbitrators loved the conclusion. The Hong Kong team not only put forth an excellent showing in the four days of preliminary competitions, several judges even

noted that they wanted to see Team USD compete in the championship round.¹

The USD VICAM team is an internationally awarded advocacy program that continues to improve and expand in reputation and skill sets. Now, after a year of living, breathing, and dreaming about squid, UNCITRAL Model Law, Milan Rules, IBA Guidelines, and international scholars, the team proudly takes a deep breath and looks towards the future. As for now, remember, if you contract for tuna, you cannot expect to receive caviar.

¹ At the time this article was submitted, the Vienna team was still overseas competing.



USD Law VICAM Hong Kong Team (left to right): Stephanie Zigler, Blaz Gutierrez, Michael Minicilli, Christina Phan, Kaitlin Reilly

IT'S SUMMER

Time to Watch TV



by Charles Ronan, Staff Writer

Finals are here, and summer is close behind. What are you going to do with all that extra time? Well, I watch too much TV (just ask my transcript), and I thought I would share with you some of the new shows you can catch up with this summer.

Shameless: This is one of my favorites from this year. It is based on an English show but is set in Chicago's South Side. The show follows six kids in a dysfunctional family—and dysfunctional is being kind—as they try to survive, despite the antics of their alcoholic dad. It is funny, but very gritty and genuine. It is not for the faint of heart. It could have either been depressing or too campy, but it is neither. It is better than reality TV because it does not leave you with that dirty feeling afterwards. Nothing is out of bounds on this show, so be prepared to see things not meant for the faint of heart. Don't expect the episodes "Daddy's Girl" and "Three Boys" to be something to watch with the family. It is great though.

Episodes: I had this on DVR for two months before I watched a single . . . um, episode. I did not have high hopes for the big return of . . . wait for it . . . Matt LeBlanc. Yup, Joey. The show is about Matt LeBlanc on a new show. I know. Sounds terrible, right? It is actually well done. An English couple wins awards for their very British comedy show, and a U.S. TV network brings it here. As they say—hilarity ensues. Mr. LeBlanc is very self-deprecating and funny playing himself the way we all want to think he is in real life. Give it a chance—I promise.

How to Make It in America: *Entourage* for the hipster NYC crowd. The two main characters are trying to hustle their way to success in the NYC fashion industry. It is a wonderful portrayal of how hard people will work to get what they want. Great characters and the use of life in NYC as the setting is fun to watch.

Terriers: Crime comedy/drama which takes place in a lovely little place called Ocean Beach. Yup! *That O.B.* This is fun because just when you think the likeable characters are going to get too nice, one of them kills someone, sleeps around, or just beats someone to a pulp. Yes, it is funny.



The Borgias appears on Showtime and stars Jeremy Irons as the pope.

Louie: It is basically a low budget *Seinfeld*, but with Louis C.K. I am not saying that like it is a bad thing. It is just the opposite. Be prepared for Louis C.K.'s brand of humor though. The show is much more *Curb Your Enthusiasm* than it is *Seinfeld*. You are going to feel awkward while you laugh, because Louis is awkward no matter what he does.

The Walking Dead: I like zombies more than vampires. It wasn't always that way. Not until vampires went from being kick-ass people eaters to being emo goth kids in love. However, zombies are hard to pull off. *The Walking Dead* does a great job of riding the line between *28 Days Later* and *Night of the Living Dead*. Even the music is done well (think *28 Days Later*). Do I really have to tell you the story line? Epidemic, almost everyone dies, and the survivors struggle to stay alive. Even though it is TV, the production is good, and there is plenty of gore. Plenty.

The Borgias: As you have heard if you saw the advertisements, this is based on the pope who was the inspiration for the *Godfather* (Pope Alexander VI). It follows the pope and his family—wife and kids—as they kill and scheme their way to the top. Well, actually they are at the top. So they just scheme and kill. It has been enjoyable so far, but not as good as *The Tudors*, which it replaced.

The Cape: Lame, but if you like comic books and don't mind lame, you might like it.

Fairly Legal/Harry's Law: Two new legal shows. I couldn't take *Fairly Legal*. The main character always gets in trouble because she would rather negotiate than lawyer. Yawn. *Harry's Law* is a little over the top, but some of the in-court sarcasm is pretty good. Main character is played by Kathy Bates. She is the best part of the show by far.

Bored to Death: Writer becomes detective and gets himself in crazy situations. Basically this whole show can be summed up by saying Jason Schwartzman, Ted Danson, Zach Galifianakis, and pot. Enough said.

Game of Thrones: Just watched the first one last night. Seems like a winner. It is a medieval fantasy with seven kingdoms based on a series of books I did not read. Either I had you at medieval fantasy, or you have already skipped this. It has big *Lord of the Rings* type production, which is the most important thing with something big like this.

Ultimately, you are in San Diego for the summer—don't watch TV, go to the beach. Except for the final season of *Entourage*. You have to watch that. Oh, and *Weeds*. And *It's Always Sunny in . . .*

SUMMER

HAPPENINGS

IN SAN DIEGO

by Jamie Netznik, Staff Writer

Going to law school in San Diego is a huge tease. As a law student, I can hardly find time to enjoy "America's Finest City." I'm looking forward to summer—the absence of casebooks taking up all of my time, and spending more time enjoying this beautiful place we live. Aside from the obvious activities this city has to offer (beach, bars, Padres games, whatever else you might be into), there are some events to look forward to coming up this summer.

San Diego County Fair kicks off June 10 and goes through July 4 at the Del Mar Fairgrounds. Get your fill of ironic deep-fried foods, questionable carnival rides and the chance to win a goldfish. If beer gardens and food are more your focus, the Hillcrest Cityfest Street Fair includes a "massive open air beer garden," a mechanical bull, and a dunk tank among other features. The Hillcrest fair usually takes place in August, but in the meantime, the annual Ocean Beach Street Fair and Chili Cook-Off Festival is on June 25. At OB's festival, you'll get live music and entertainment (bands haven't been released yet), unique vendors, rides, a beer garden, and chili.

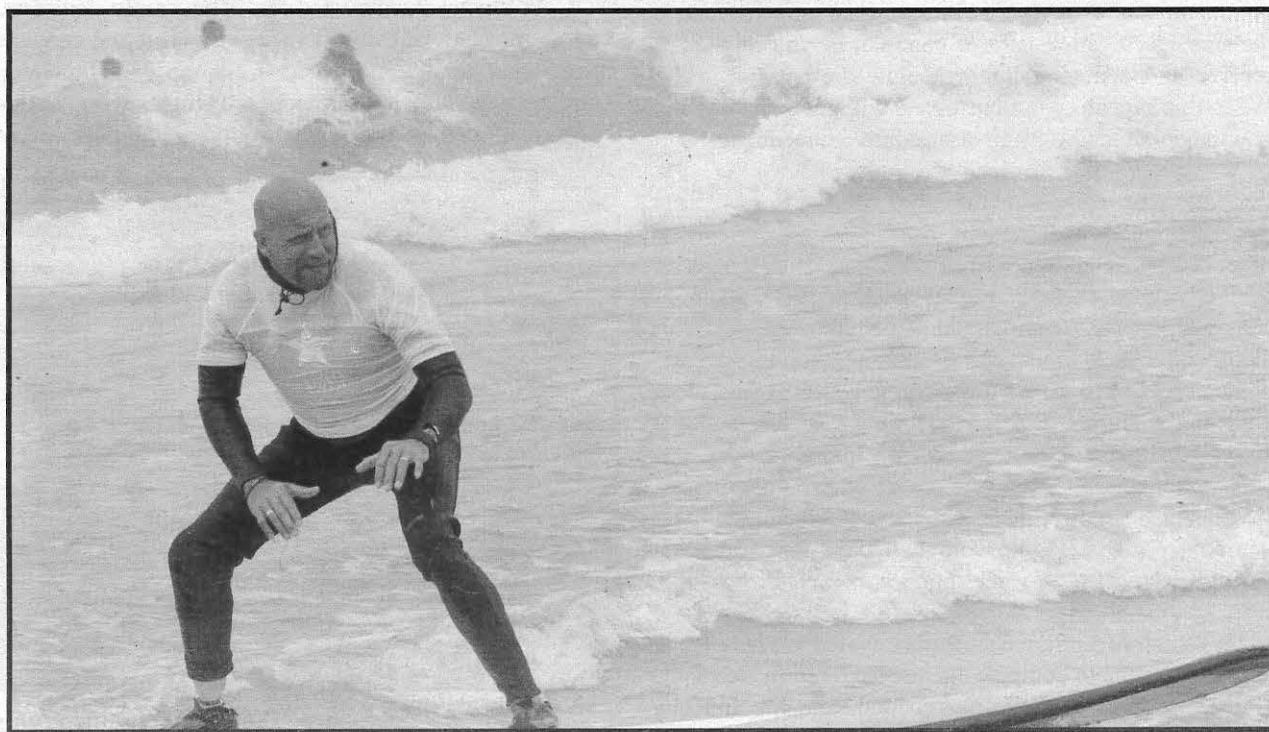
San Diego also hosts the U.S. Open . . . Sandcastle Competition (Huntington Beach hosts the U.S. Open of Surfing starting August 7). Starting on June 22, this three-

day event takes place in Imperial Beach. It starts on Friday with the "Sandcastle Dance," a 21+ dance celebration. The only description given for this day is that it involves alcohol, sandcastles, and dancing. I'll see you there.

The Del Mar Fairgrounds are known for the horse races that take place during the summer. For \$6 - \$15 admission, you can get in the gates to socialize and watch. Every Friday during the summer, the same admission also delivers live music. In the past, the Fairgrounds have hosted Weezer, ZZ Top, and The B-52s. This year's schedule has not been released yet.

And for the athletic types, the San Diego Rock 'n' Roll Marathon starts June 4, with a half marathon and relay taking place the next day. Also, the 34th America's Finest City Half Marathon and 5K are later, taking place on August 21. And don't forget about the other outdoorsy things you can do like paddle boarding, surfing, kayaking in La Jolla, and hiking Torrey Pines.

Whether you're bronzing, cheering on the Pads, or eating a fried Oreos, you should not be bored this summer. If you do get bored, Vegas is a 5-hour drive, and I'm sure you can find something going on there.



USD Law 1L hones his game face for fall semester by catching gnarly summer waves.



LEGAL MOVIE REVIEWS



THE LINCOLN LAWYER

by Laura Patrick, Staff Writer



Well, it's that time of year again. A time when extraneous activities fall to the wayside in favor of outline-making and flash cards; when grocery shopping and good hygiene drop to the bottom of your to-do list; when laughter gives way to quiet sobs in the LRC. But finals time doesn't have to be all pain, no gain.

In fact, four out of five lawyers agree that, when you study hard, it's okay (if not necessary) to let off some steam so that you don't end up on the edge of Coronado Bridge, one case brief away from jumping.

Whether you're like me, and will find any reason to leave the library, or if the idea of taking a break makes you sweaty and anxious, there's a good solution for the whole family—Legal Movie Night!

The Lincoln Lawyer, in theaters now, is a thrilling courtroom drama that conveniently incorporates just enough legal jargon to trick your brain into thinking it's not only enjoyable, but also productive. Don't get me wrong—this movie is about as educational to a law student as an episode of *Ally McBeal*, but that isn't the point. What it does manage to do is keep you on your toes while giving anyone with a legal background some serious questions to ponder.

The movie, starring Matthew McConaughey and Ryan Phillippe, is an adaptation of a book of the same name written by Michael Connelly. The film incorporates the typical themes found in legal thrillers: the tortured lawyer, good vs. evil, the pursuit of justice, etc. . . . So the film is no game-changer, but it brings a few interesting angles to the legal drama, and the all-star cast makes it worth seeing. The movie's fast-paced and moody feel is somewhat reminiscent of McConaughey's first legal film, *A Time To Kill*, which was a pleasant surprise considering *A Time to Kill* was awesome and probably the only decent acting gig McConaughey has had since *Dazed and Confused*.

It's nice to see McConaughey back in his niche of the

sweet-talking lawyer, and this time he's playing Mickey Haller, an averagely successful defense attorney known for getting crooks off the hook. The movie title derives its name from Haller's mobile office, a Lincoln Town Car, driven by his devoted driver Earl (Laurence Mason). Haller generally handles some nasty characters, the likes of which include gang members, murderers, prostitutes, and drug addicts. He lives by his father's motto that "the scariest client a lawyer will ever have is an innocent one" and generally believes that all of his clients are guilty some way or another. He prides himself on knowing the system and pays the bills by getting criminals the least amount of jail time.

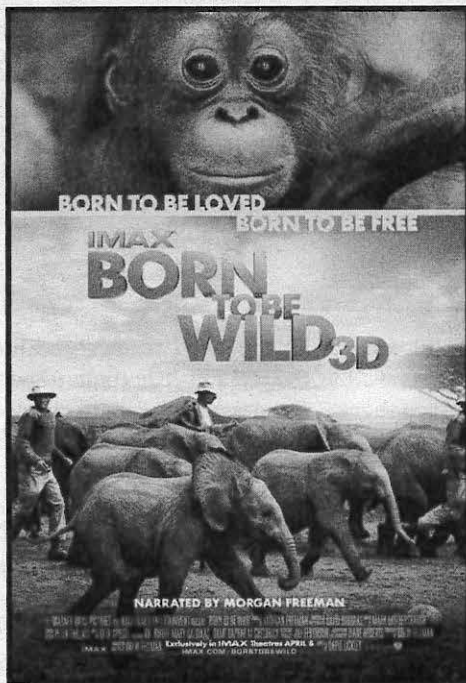
Haller's not-so-stable career, however, is turned upside down when he takes the case of rich playboy Louise Roulet, played dryly by Ryan Phillippe. Roulet has been charged in the brutal beating of a prostitute but vehemently denies any wrongdoing and instead claims the prostitute is framing him for money. Roulet and his real-estate mogul mother (Frances Fisher) are willing, with the help of Haller, to do anything to prove Roulet's innocence. As the plot unfolds, Haller begins to discover loopholes in Roulet's story, and it becomes pretty clear that Roulet isn't who he says he is.

Now here's where the story really takes off. As Haller unravels the truth about what happened the night of the beating and discovers more and more secrets about his client, he quickly finds himself between a rock and a hard place, otherwise known as the Attorney-Client Privilege Vortex. That's right. For all you gunners out there, just seeing this movie could be a great way to brush up on your professional responsibility knowledge and/or poke holes in the plot. For everyone else, it's the beginning of a tense and entertaining rollercoaster of twists that may be more easily spotted by the legally adept but which are nevertheless interesting. McConaughey shows his rarely seen acting range when his character is pushed to the brink and forced to find a cunning way to solve his problems without breaking the privilege (although breaking the law seemingly isn't a problem).

Some other highlights of the movie include William H. Macy, sporting a sweet handlebar mustache, as Haller's personal investigator; Marisa Tomei as Haller's sultry ex-wife; and Michael Peña as an inmate Haller once represented who claims to be the very thing Haller always feared—an innocent client. The cinematography at times can be shaky (presumably to add to the "energetic feel"), but the down-and-dirty L.A. scenery and "old school meets new school" soundtrack more than make up for it. While *The Lincoln Lawyer* won't be winning any Academy Awards this year, it's definitely worth the ticket price and a break from the books.

must-see for any self-proclaimed animal lover. I mean, what's not to love about baby orangutans and elephants?

Also, in honor of Earth Month, Disney is coming out with its wildlife documentary *African Cats* on April 22. This film, shot in the African reserves in Kenya, follows two cat families as they teach their cubs how to survive in the wild. Although I have personally heard mixed reviews of this film, I think it's worth watching to support a great cause.



Movie Review: *Born to Be Wild 3D*

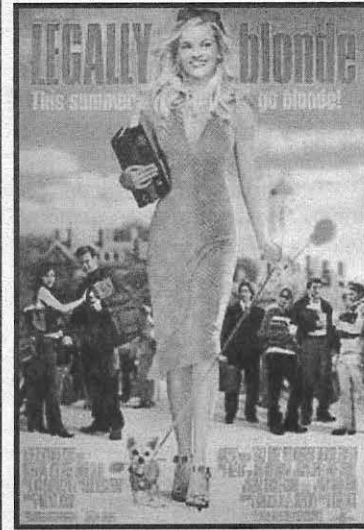
by Darlene Rabena, Staff Writer

Ever want to escape to the opposite side of the world to a tropical rainforest or African safari—somewhere far, just to run away from the overwhelming stress of law school finals? Well now you can by watching Warner Brothers' and Imax's new documentary, *Born to Be Wild 3D*. Set in the jungles of Indonesia and the savanna of Kenya, this film follows two extraordinary women, Dr. Birute Galdikas and Dr. Daphne M. Sheldrick. These women have dedicated their lives to saving and raising orphaned orangutans and elephants, eventually releasing them back into the wild. *Born to be Wild 3D* is not just a film—it's an experience. The soothing voice of Morgan Freeman, coupled with the amazing 3D cinematography, transports you to a place you've never been. Seeing what these two women accomplish, and the hardships they face in trying to save an entire species from extinction, is humbling. . . . you realize how manageable law school really is.

Critics have been raving about how great this film is, with Rotten Tomatoes giving it a 97% approval rate. I've personally watched this film three times because I can't get enough. The closest theater showing this film is the AMC Mission Valley. On May 13, you can catch this film at the Reuben H. Fleet Science Center, located in Balboa Park. *Born to be Wild* is definitely a 3D film done right and a

LEGALLY BLONDE

by Camille Edwards, Staff Writer



I saw *Legally Blonde* when it came out in theaters, and watched it many times before I started at USD. I thought it would be interesting to go back and see the film now that I am about to finish my first year, and look at it through the perspective of someone who has actually experienced law school.

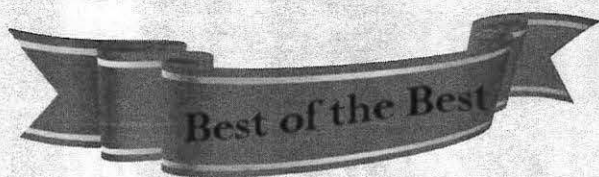
For those of you who haven't seen the film—it's adorable so you really should—here is a short summary:

Elle Woods is a blonde, bubbly sorority girl from Beverly Hills whose East Coast Ivy League boyfriend Warner dumps her when he heads to Harvard Law School because she isn't "suitable" for being a future senator's wife. Elle decides to go to Harvard to win him back. After working hard and getting a 179 on her LSATs, Elle is admitted. Once she realizes Warner doesn't respect her or her abilities, she decides to focus all her efforts on her studies. Elle gets a prestigious internship with her Criminal Law professor's firm when he decides to hire 1Ls. Elle works on a murder case where the firm is defending Brooke Taylor Windham, a rich young widow who built her fortune on exercise videos who is accused of murdering her husband. Elle and Brooke bond because they are both from the same sorority, and Brooke respects Elle's integrity and intellect. Brooke fires Elle's professor as her counsel because he is a lecherous jerk who does not believe she is innocent. Brooke then hires Elle as her defense. Elle wins the case by using her knowledge of hair care to poke a hole in the alibi of Brooke's stepdaughter and reveal her as the murderer.

So how accurate is the film about law school and the legal field? Here's the rundown:

- ***LSATs:** When Elle is practicing, at first she gets a 140. Then she practices more and more and ends up with a 179. I'm not sure if the practice is likely to increase your score by so much.
- ***Admissions:** Elle Woods submits as her personal statement to Harvard a video with her lounging around in a bikini. Harvard, like every other law school, requires a written personal statement for admissions, so they would be unlikely to admit her based on a video, especially one where she is in a bathing suit.
- ***Housing:** Elle lives in the dorms but has her pet Chihuahua with her; there is no way that she would be allowed to have her dog there.
- ***Classes and Studying:** The film shows Elle spending all her time reading and in the library, and also shows the professors using the Socratic method in class, so that is portrayed accurately.
- ***Sections:** Elle and Warner are in some of the same classes but have a different Civil Procedure professor. Every law school divides its students up into sections their first year, and they typically all share the same classes, so they would most likely either have all of their classes together or none.
- ***Internship:** It is also not likely that a professor would hire 1Ls to work on a case. Also, most schools prohibit students from working more than 20 hours, and the film shows the interns working long hours into the night on the case, so this is inaccurate.
- ***Working Brooke's Case:** In the film, Massachusetts law allows a law student to work a case if a licensed attorney supervises, so Brooke hires Elle. Brooke is a very rich woman and on trial for murder, so she could potentially be put in prison for life (Massachusetts does not have the death penalty). Considering her financial resources and how much is at stake, Brooke probably would not have hired Elle and instead would have found another attorney.

Overall, although *Legally Blonde* has its inaccuracies and isn't the most accurate portrayal of the law school experience, it is definitely an entertaining film worth watching.



A YEAR IN REVIEW

by Tyler Hazen, Staff Writer

The Neighborhood/Noble Experiment: A good magician never reveals his secrets, but this thing is all over the interweb. The Neighborhood is already one of the best bars in San Diego with great beer and wine in a homey environment. Add my favorite speakeasy in the mix, and you've got a winner. Reservations are by text message only, but if you want to peek in uninvited, here's my advice: Use the restroom—if a wall looks like kegs stacked on top of each other, give it a push . . .

Blind Lady Alehouse: The beer menu rotates so quickly here, I've literally been two nights in a row and unable to order the same brews. Try the pizza.

The Harp: I've never had a bad night here. The OB crowd is welcoming, the music is good, and the bartenders are friendly and know their stuff.

Toronado: Micro brews and Macro hipsters

Rocky's: Best Burger-Beer combo. Period. If you don't order the half-pounder, go back to undergrad.

Aero Club: Where bartenders go for a drink.

The Black Pearl (forever known as The Aussie Pub): A DIE-HARD Packer bar in PB. A bold choice for a Super Bowl hangout, but one I will never regret.

Small Bar: So it's not just a clever name. From the creators of Hamilton's.

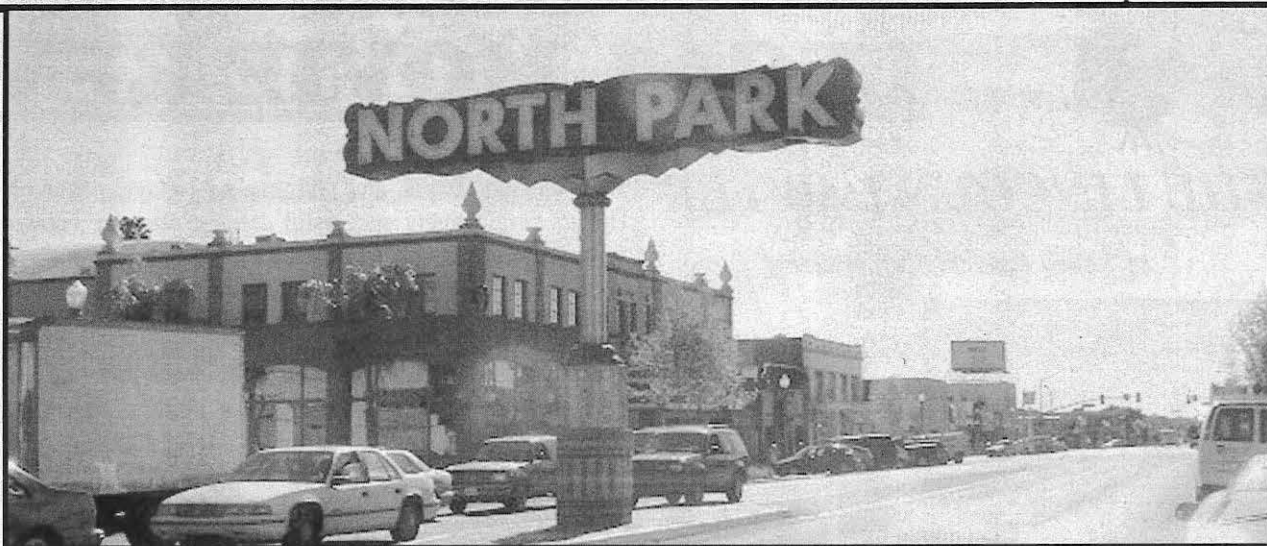
JT's (on a Friday): Incredible crowd and live music on the patio.

Cass Street Bar & Grill: Making PB tolerable again. While I don't get excited to spend the night at Bub's or Johnny V's, Cass Street is worth the drive down Garnett. Going out in PB can feel like work, but Cass Street is a great spot to relax.

Bluffs II: An air-soft gun-themed joint. Take a shot in the hind parts for a free tequila-red rain.

Ashamed I Haven't Tried It

Smoking Goat, Urban Solace, Cucina Urbana, Anthology, Prohibition, Live Wire, Red Wings, The Linkery



The Neighborhood: North Park

by Tyler Hazen, Staff Writer

NORTH PARK has consistently been my second city. North Park has a bit of everything—an urban charm and an up-and-coming spirit. I have heard from locals that this neighborhood has made great strides: from the rough-and-tumble border between City Heights and Hillcrest, to a vibrant locale perfect for a night out. I recommend dinner/pub grub and drinks. This neighborhood also offers some of the best low-cover dancing in the city. One more plus: If you fear going east of the 805, you're in luck; North Park is just to the west. The heart of the neighborhood is at the intersection of 30th and University Ave.

Start at Urban Solace for dinner, or head to Splash and/or Toronado for pub grub or appetizers. Splash is a futuristic wine bar where vino lovers load up a debit-type card (Get this from the bar) and select one-ounce tastes from dozens of wines. Pop the card in the slot, hold your glass underneath the spout, and press the corresponding button. A perfectly measured one-ounce taster will appear. This allows you to choose a number of different wines for a little money. I usually splurge on a \$4 ounce, which comes from an \$80-100 bottle. Or, grab a full glass from the bar and a cheese plate. Next, make your way over to Toronado, a beer haven. Toronado's beer selection is excellent and focuses mainly on Southern and Central California breweries.

Bar Pink is quirky and worth a look, and usually comes with free or very cheap live music. While not on University, Eleven (formerly the Radio Room, now owned by Small Bar/Hamilton's) is an intimate venue with an increasing beer selection. A popular hot spot, True North changes crowds like a Chameleon. You really never know what you're gonna get, but I've enjoyed their back patio during the daytime when it is practically empty. Comfortable

patio furniture, TV's, and an outdoor bar make it a solid spot for watching a game.

I promised dancing, and here it is. The Office and U-31 are some of the best low-cover (often free, especially if you're in early) dance jams on weekends. While U-31 has a tendency to be surprisingly poppin' any night of the week, the Office on a Friday or Saturday is never a disappointment. The Office ranks up there as one of San Diego's top hip hop bars (Bar Dynamite, Tina's). Friendly folks, hip hop, and a casual atmosphere draw the crowd. If you took my Bar Dynamite recommendation and had a good time, you'll absolutely love the Office.

Back to food. Lefty's, a Chicago-style pizzeria is a little slice of the Midwest in the West. Lefty's is tiny, with only a few outdoor tables and loud Cubs games. Grab a slice of deep dish sausage, a Pabst, a Vienna beef dog, and a basket of fries. While I love the pizza and the atmosphere, I come back for the fries. I don't know why it's so hard to find good French fries, but search no further, find them here. These aren't special or unusual in any way, just tasty. For burgers, take your pick between Crazy Burger and Western Steak burger. If you're all about creative burger toppings, check out Crazy Burger. The Cajun burger is a personal favorite. Crazy Burger also offers alternatives to those who don't eat beef: kangaroo, rattlesnake, buffalo . . . and garden. Western Steak Burger is more simplified but is a local favorite. Western Steak Burger is easy to miss but is worth the u-turn.

As with every neighborhood, I'm sure I missed something great. But I don't want to rob you of the opportunity to discover the perfect new spot! It's been a great year eating, drinking, and writing for you all. Cheers! (*Dramatically drops laptop and walks off stage*)



Isaac's Restaurant

Recommendation

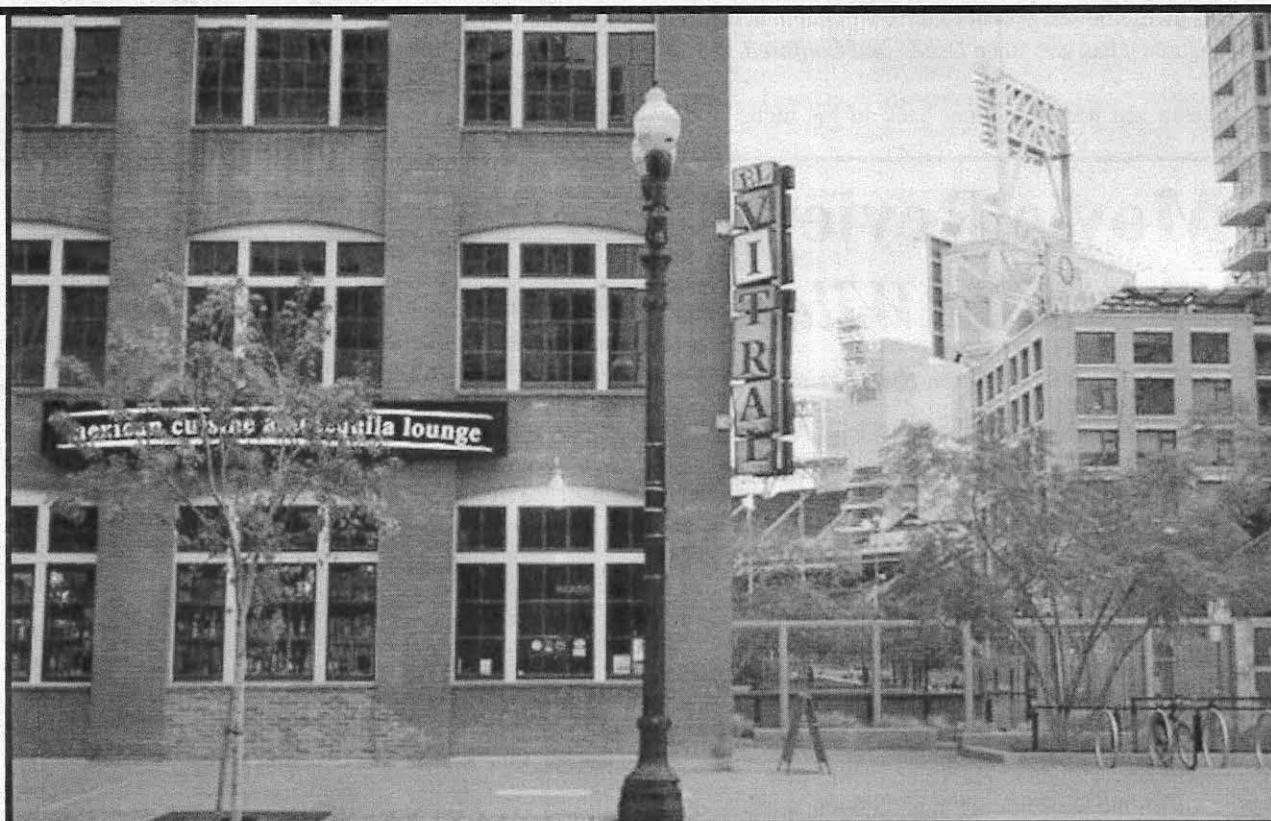
El Vitral

by Isaac Bejar, Staff Writer



If you're looking for a nice restaurant for a post-finals happy hour celebration, and if you want to try something new and exotic that will not disappoint, check out El Vitral. With a name meaning "stained glass window," you can assume that the restaurant will have a nice view, and it does not disappoint. On the South side, the entire door rolls up, and the opening provides a great view of Petco Park. El Vitral is a great spot to eat or have a margarita before a Padres game or to kick off an epic celebratory night on the town.

The food at El Vitral is Mexican nouveau, so the chefs add a new spin on classic dishes, like their enchiladas de pato (duck enchiladas with apricot, chile, and Cotija sauce) and their ravioles en nogada, a modern interpretation of the traditional chile en nogada, covered in a walnut sauce with dried fruit and pomegranate reduction. The food is expertly prepared and very tasty. Any of the three different guacamoles are a good starter, and I especially recommend the Guacamole El Vitral, made with avocado, jicama, mango, bell peppers, and soy sauce. If you want to try all three, you can get a guacamole sampler, but it



is not on the menu. For dinner, I recommend the duck enchiladas, as well as the pipian verde (braised pork with pumpkin seed sauce). For dessert, be sure to check out the homemade churros!

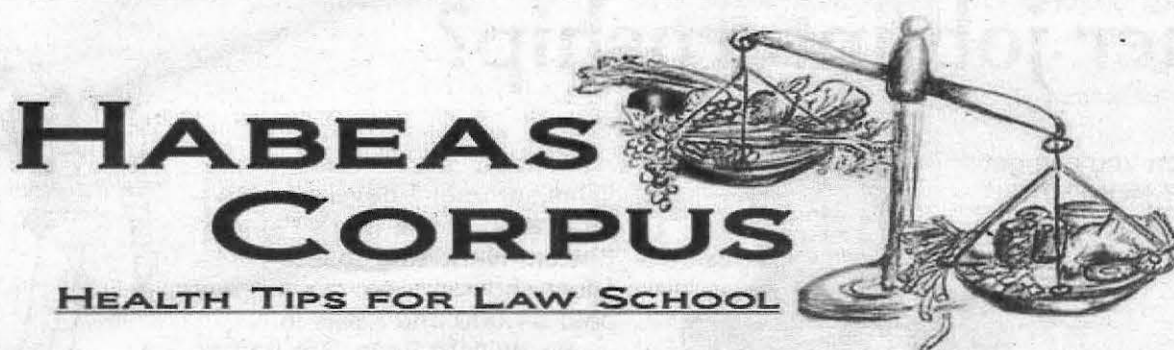
With over 250 different tequilas, you're sure to find one that you like. You can get any type of margarita—from a classic margarita made with lime juice to a Jamaican margarita made with hibiscus. If you feel really good about your performance on finals and your post-law-school job prospects, you can try the \$300 El Chilango

Margarita. For those of you who got an unpaid summer internship, El Vitral offers happy hour every day from 5:00 p.m. to 7:00 p.m. and Friday and Saturday 10:00 p.m. to midnight.

El Vitral is located at 815 J Street. Check out their website and specials at www.elvitralrestaurant.com. The restaurant's website currently offers a 50% off coupon. Enjoy the food, and have a great summer.



Contract Killers: (kneeling) Bob Peck, Rory Kay, Josh Stanek, Krysta Peterson; (standing) Nicole Lewis, Ben White, Tim Workman, Jena Workman (shoulders), Steven Caloiaro, David Israel



WANT TO LIVE TO 100+?

by Jyoti Jennings, Associate Editor

In 2004, *National Geographic* teamed up with author Dan Buettner to research what it called "Blue Zones." Blue Zones are certain parts of the world where a large percentage of people seem to live longer than the rest of the planet. The good news is that you don't necessarily have to live in a Blue Zone to get all the benefits. Buettner interviewed a score of Blue Zone population members who are lively, healthy and . . . really old, and then came up with a list of features that these extraordinary elders share in their lifestyles. Try them out, and add some years to your life.

THE POWER 9

1. **Moving naturally.** People in Blue Zones don't have to set aside "gym" time. Their exercise is part of their daily life. They walk everywhere, they take the stairs, and they work in the garden.
2. **Purpose.** Have a reason in life why you wake up in the morning. Have a plan for your life, and have a clear perspective on your goals.
3. **Relax.** Have a defined activity for every day that you use to relieve stress, such as prayer or even something as simple as a nap.
4. **Eat less.** Stop eating when you are 80% full. Tips: serve food at the counter, don't eat in front of the TV, and use smaller dishes. People in Blue Zones usually eat their smallest (and last) meal in the late afternoon or early evening.
5. **Go veggie.** If you eat meat at all, try to limit it to a portion the size of a deck of cards twice per week. Beans and nuts are the cornerstone of a Blue Zoner's diets.
6. **Limit Alcohol to Wine.** Limit it to about 1-2 glasses a day—and, no, not 14 glasses one day a week.
7. **Strong faith and spiritual belief system.** Blue Zoners have a strong faith-based community in which they participate, attending religious services at least four times a month.
8. **Family first.** Blue Zoners put their family first, and take care of sick or elderly in their homes.
9. **Right crowd.** Make lifelong, sustaining relationships and hang out with people who will support a good lifestyle. With whom you spend your time determines your daily habits to a great degree.



*Veggies—
Methuselah's Secret*

For more information, go to www.BlueZones.com.
Or read *The Blue Zones* by Dan Buettner.

From Softball, page 1

The Legal Eagles, who came in as the #2 seed and the home side, came in boasted a truly intimidating offense. They had the largest run differential during the regular season and even won their semifinal matchup by double figures. Carrying the hot bats, the Eagles put up four early runs in the bottom of the first to respond to the Killers' three runs.

Defense took over as neither team managed to score more than two runs an inning thereafter. In particular, the Killers' Ben White made a number of spectacular plays at third base. The highlight of the night came on a liner ripped to left field that was snatched away by White as he went airborne to take the hit away.

The play was of particular importance because of a running lapse in the previous inning. The Eagles were able to turn two after their shortstop snagged a liner by Krysta Peterson and doubled up a frozen Tim Workman at second base to end the inning.

The Killers kept their heads and spirits up as they manufactured the game-winning run in the top of the sixth with veteran calm.

The Eagles only managed one base runner in the bottom of the sixth to lose for the first time to the Contract Killers in three meetings (1-1-1).

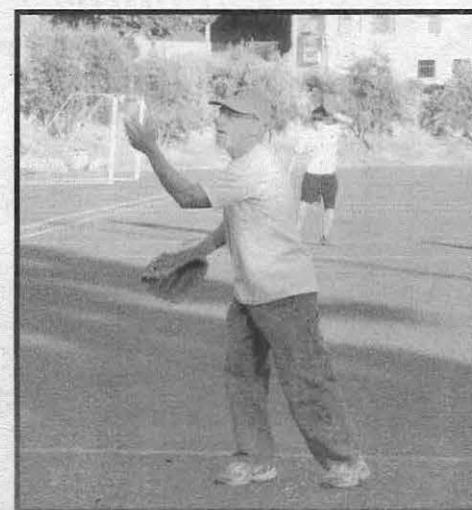
The Killers were also the Comeback Kids in their quarterfinal matchup against top-seed Cases Loaded, coming from behind late in the game to win 9-8.

Even with the win, Israel is already looking forward to next season: "Just looking forward to assembling a team to defend the title next semester."

INTRAMURAL STANDINGS

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<http://www.motionsonline.org>



USD Law Professor Grant Morris pitching at the 2010 1L vs. Faculty Orientation Softball Game



Wally B. Wallaby sez:
"Don't fake the funk
on a nasty dunk."

The Jury Box

12 impartial jurors. one question.



"I applied to the judges listed on the Symplicity website and was offered a judicial externship with a bankruptcy judge."
- Taylor Wemmer, 1L

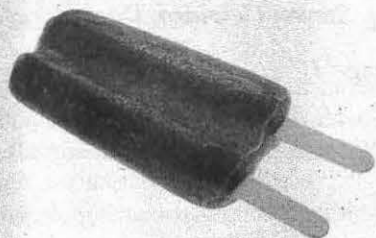


"I got this sweet lute gig on Craigslist."
- Danny Jenks, Lutist

"I applied to a non-profit devoted to vegetarianism and animal rights. After the interview, I did not get that particular job. However, I sent a note back to the person who interviewed me, thanking her for the opportunity anyway. Lo and behold, a month or so later, I get an e-mail from her about another opportunity. I am now happily anticipating a very interesting summer of legal and political research and writing!"
- Jyoti Jennings, 1L

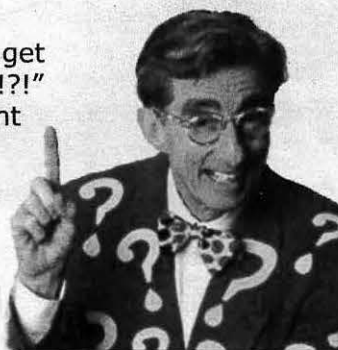


"I maintain a fruity sensation at subzero temperatures, making my services invaluable to hot and sweaty summer bodies."
- A popsicle



How did you get your Summer job/internship?

"Why get a job when you can get FREE GOVERNMENT MONEY?!?!?"
- Matthew Lesko, Idiot Savant



"This summer I have a fashion internship at the Boy's Pajama Bottom Marketing Institute. I just showed them my batpants, paid \$4,000 and I was in."
- Sir William Rose, Bat Panther



"I simply refused to take no for an answer. Now I have an unpaid internship for 90 days this summer at the county jail. Though, I do get free room and board at least."
- Jeb Jeffries, Rapscaillon-at-Large

"Last summer, I landed a Summer Associate position at Dorsey & Whitney in Minneapolis. I researched firms on nalpdirectory.com and submitted applications to cities my wife and I were interested in moving to. Minneapolis was a perfect fit because I grew up near the Twin Cities and have many friends/family there. It was an awesome experience, and I will begin employment as a full-time associate at Dorsey in January 2012. So we'll be making the trek back up to Minnesooooooota. Oh yah, you know? You bet."
- Kurt Whitman, 3L

"I usually find work hanging around animated film studios. In a pinch, I'll work in the timber industry but I don't like getting axe-handled by a bunch of French-Canadian lumberjacks. Not that there's anything wrong with that."
- Timothy K, Woodlooper, Axe-with-Limbs



"Internship through Career Services."
- Julia Nguyen, 1L

"I kept up with Symplicity and got a summer law clerk job with a local firm at the very end of the Spring semester."
- Drew Miazga, 3L



"I know a lawyer who hooked me up with a non-profit."
- Office Monkey, 1L



"Them Crazy's" by Peachdog Jones

Them Crazy's
I hates 'em
They gives me the hives
Them Crazy's
I hates 'em
They fulls of the jives
Them Crazy's
I hates 'em
But what's I to do?
If it weren't for Them Crazy's
I don't know what I'd write poems about.



Moe Shuns, Esq.*

Unimpeachable Advice

For Impressionable

Law Students

*also available for birthdays

and bar mitzvahs



Hi again, law students! I hope finals aren't eating you alive. I understand that at this time of the semester, studying takes priority over *everything*, be it personal hygiene, social outings or even the leisurely reading of a "humor" article in a law school newspaper. With an emphasis on answering your questions about this crazy time of year, let's get to it!

Hey Moe,

I'm a 2L and having a bit of trouble balancing my studies for finals and my family life. I have a small family (wife and 5-year-old daughter) and it's sometimes hard to get them to understand that I really can't be bothered with their often-trivial problems. As bad as that makes me sound, I know it's only for a few more weeks. What exactly should I say or do?

Unbalanced in Linda Vista

Dear Unbalanced,

You've stumbled upon an invaluable experience: the art of delegating unwanted duties to people lower on the totem pole. But I'm not just talking about having your wife do the garbage this week instead of you. No, I'm thinking big picture. What's your easiest class? It's probably something like Law and Cinema or the Art of Bullcrap 101. If the final for the class is a paper, have your wife do it in between running errands. If it's a multiple choice exam, have your daughter fill in the little bubbles. (Everyone gets Bs for multiple choice exams anyway.) Now you can finally start concentrating on your finals that actually matter.

And what's nice is that your family will finally thank you for involving them in your life more! Actually, the best part is you can keep doing this well into your legal career! Eventually your daughter will be able to "graduate" from proof of service forms to legal writings (e.g., motions, memoranda). If anything, I encourage you right this instant to embiggen¹ your family so that you can have a few more paralegals on your side.

¹ Fear not. This is a perfectly cromulent word.

Dear Moe,

So we lost our law school intramural quarterfinal softball game and once again failed in attaining our goal of a league championship. Our third baseman was particularly to blame, being unable to field a routine groundball that would've ended the inning. Instead, we let in seven unearned runs. We're friends off the field, but I am sick and tired of his hot-corner incompetence. How exactly can I gently tell him that his services are no longer needed?

Softball is All I Have

Dear Softball,

This is indeed an area where you need to tread lightly. Luckily for you, I have the benefit of experience on my side. I can tell you this: Those ballplayers that aren't good on the diamond? They're even worse in the courtrooms and boardrooms! You think an error in a quarterfinal game is bad, wait till you see the same nincompoop make an error in front of the bench.

So really the only thing you might be concerned with is your so-called "friendship" with this regular Bill Buckner. And really, are you the type of law student who wants to associate with—gasp—other law students?! Now *that's* comedy! Oh, you actually want advice? Well, there's no shame in going all Tonya Harding on this third baseman. He'll be so busy screaming "Why? Why? Why?" that he'll completely forget to ask "Who? Who? Who?"

Hey Moe,

So as a practicing lawyer, what is summer like for you? Do you at least take a week off and let your mind and body recover from the daily grind? As a law student, knowing I'll have maybe a week or two at the beginning and end of summer to decompress is a Godsend. Please tell me that we still get that nice break once we actually start our legal career.

Thanks,

Optimistic in Normal Heights

Optimistic,

Don't worry, summer is always a hoot for ol' Moe. Being the up-and-coming personal injury lawyer, I depend on the nice weather for an added "bump" to my clientele. Summer in San Diego means beach weather. So I like to go out to the beach before sunrise with a wheelbarrow full of glass shards mixed with my very own business cards. I then scatter the wheelbarrow's contents all along the shore, like a modern-day Johnny Appleseed, spreading joy and litigious opportunities to all!

While I know people may think this "unethical" or "downright disturbing," put me in front of a jury and I'll make sure *Mangled Feet v. City of San Diego* comes out in favor of the "innocent" victim. I can hear the late-night TV commercials now: "Do you suffer from mangled-foot syndrome as a result of the city's negligence in keeping our beaches clean? Call me, Moe Shuns!"

Questions, comments, insults, whatever—all are welcome. Just send 'em off to motions@sandiego.edu and give Moe your own two cents.

*Moe Shuns is a disbarred attorney who is currently on parole. A judge has ordered Moe to amass 5,000 hours of community service, which may include his work on this advice column, as "seemingly shoddy" as it may be. Each hour that Moe spends helping law students with their legal problems gets him one step closer to finally getting that ankle bracelet off his leg. Read Moe's complete story at *Motions Online*.

CRIME

REPORT



by Jessica Payne, Associate Editor

Friends Stick Together

On March 26 at 1:21 a.m., Public Safety responded to a report of an intoxicated student and transported him voluntarily to Detox. While evaluating the student, another male student approached Public Safety to inquire about the welfare of the first student. The second male was also too intoxicated to care for himself so he was voluntarily transported to Detox as well.

Parking Under the Influence

On April 3 at 1:23 a.m., Public Safety observed a vehicle driving erratically in Missions Parking Lot. Public Safety identified the driver of the vehicle as a USD student driving under the influence of alcohol, so SDPD was contacted and the student was arrested.

Skate No More

Public Safety responded to a report of a petty theft. A student reported that the thief stole his wallet, skateboard, and cell phone from his secured dorm room at San Juan between midnight and 6 a.m. on April 3.

Scampering Stoner

On April 7 at approximately 5:00 p.m., Public Safety responded to a report of the odor of marijuana at University Terrace Apartments. When Public Safety arrived, the subject was seen fleeing through the other door of the residence.

Inauspicious Imbiber

On April 8 at 11:10 p.m., Public Safety responded to a report of an intoxicated student who, it was determined, required medical attention. The student was evaluated and transported to the hospital. The student received a Judicial Referral.

Maher Hall Mayhem

On April 9 at 11:19 p.m., Public Safety responded to a report of a group of intoxicated students. After determining that all four students were unable to care for themselves, they were all voluntarily transported to Detox and received Judicial Referrals.

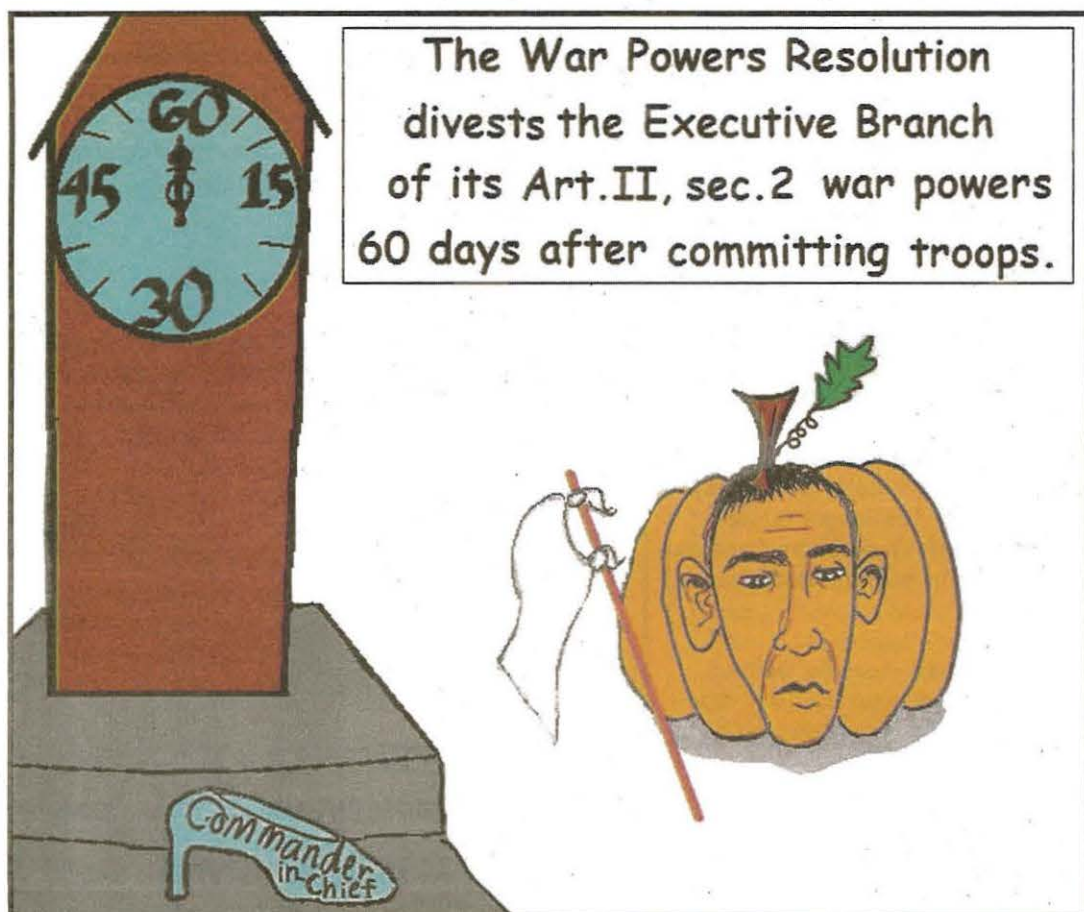
Hard Feelings

Public Safety responded to a report of vehicle vandalism in Missions Parking Structure. Upon investigation, Public Safety found that an unknown person had keyed an employee's vehicle between 2:20 and 5:10 p.m.

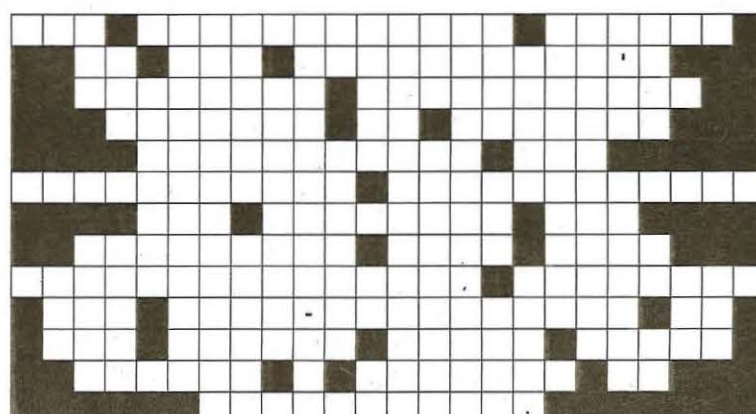
Non-Smoking Area

On April 16, Public Safety responded to a report of vandalism. An investigation found that an unknown person had smashed a cement ashtray outside of Maher Hall between 7:45 and 11:10 p.m.

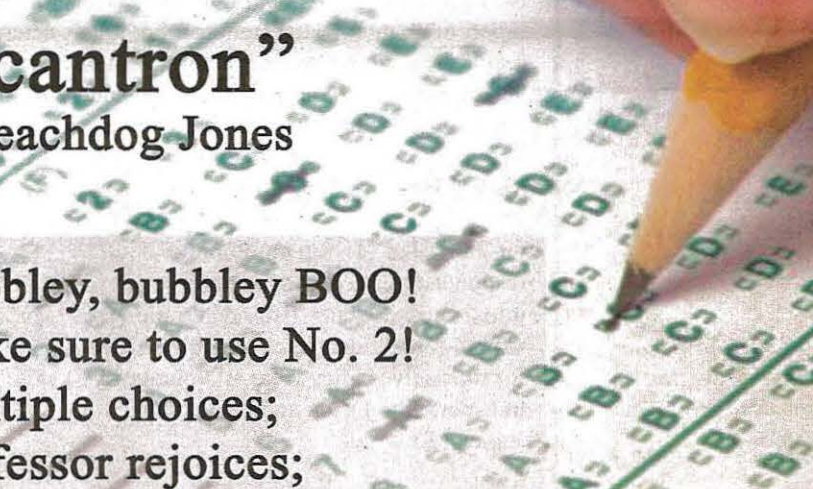




FALLEN JUSTICE JACKSON QUOTE



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“Scantron”

by Peachdog Jones

Bubbly, bubbly BOO!
Make sure to use No. 2!
Multiple choices;
Professor rejoices;
Yay! There's less work to do!

Bubbly, bubbly BOO!
Make sure to use No. 2!
Multiple choices;
Professor rejoices;
Yay! There's less work to do!

FIND DEAN COLE!

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